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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BERLAN LYNELL DICEY,
Plaintiff,
v.
T. COBB, et al.,
Defendants.

No. 2:14-cv-2661 TLN CKD P

ORDER

Plaintiff is a California prisoner proceeding pro se with an action for violation of civil rights under 42 U.S.C. § 1983. There are two motions for summary judgment pending with the court; one filed by defendants Betti and Hood and one filed by defendant Griffith. The motions were submitted to the court on July 22, 2016 and July 28, 2016, respectively, when defendants filed their reply briefs.

On August 9, 2016, plaintiff filed a motion asking that the court compel defendants to turn over certain documents to plaintiff so that plaintiff could use those documents as exhibits to sur-replies concerning the two pending motions for summary judgment. Because sur-replies are not permitted under Local Rule 230(l), and plaintiff fails in his motion to identify any good reason for permitting sur-replies, this motion will be denied.

Shortly after plaintiff filed his motion to compel, and without seeking leave to do so, plaintiff actually filed sur-replies to the pending motions for summary judgment. ECF Nos. 46

1 and 49. As there does not appear to be any reason to deviate from Local Rule 230(l), the sur-
2 replies will be stricken.

3 Finally, plaintiff asks that the court sanction counsel for defendants Betti and Hood under
4 Rule 11 of the Federal Rules of Civil Procedure for portions of their response to plaintiff's motion
5 to compel. The court declines to impose any sanctions under Rule 11, as plaintiff's motion to
6 compel is frivolous.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. Plaintiff's August 9, 2016 motion to compel (ECF No. 45) is denied;
- 9 2. The sur-replies filed by plaintiff on August 22, 2016 (ECF No. 46) and September 6,
10 2016 (ECF No. 49) are stricken.
- 11 3. Plaintiff's September 22, 2106 motion for sanctions (ECF No. 53) is denied.

12 Dated: December 1, 2016



13 CAROLYN K. DELANEY
14 UNITED STATES MAGISTRATE JUDGE

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