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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

KEENAN WILKINS, also known as  
Nerrah Brown,

Plaintiff,

v.

JEFF MACOMBER, et al.,

Defendants.

No. 2:16-CV-0475-TLN-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the Court is Plaintiff’s motion, ECF No. 86, to strike Defendants’ filing at ECF No. 85.

Plaintiff states that Defendants are attempting by way of their most recent filing relating to their summary judgment motion to introduce new arguments. This does not seem to be the case. On the contrary, it appears that Defendants seek to withdraw portions of their pending motion for summary judgment – which works to Plaintiff’s advantage – and to respond to Plaintiff’s motion for leave to file a sur-reply, which has been granted. The Court will afford Defendants the same privilege afforded Plaintiff when Plaintiff’s motion for leave to file a sur-reply was granted and will consider Defendants’ filing at ECF No. 85 when it separately rules on the pending motion for summary judgment.

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Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion to strike, ECF No. 86, is denied.

Dated: December 29, 2022



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DENNIS M. COTA  
UNITED STATES MAGISTRATE JUDGE