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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHNNY HEARNE,
Plaintiff,
v.
DAVID BAUGHMAN, et al.,
Defendants.

No. 2:16-cv-01357 DB

ORDER


Plaintiff is a state prisoner proceeding pro se with a civil rights action under 42 U.S.C. § 1983. On June 30, 2016, plaintiff filed a letter to this court titled a “Prop 47 Application From My Lawyer to File.” (ECF No. 5.) In this letter, plaintiff expresses confusion about where he is supposed to file a “proposition 47 packet.” (Id.) This letter relates to a previous request made by plaintiff for the court to provide him with a “proposition 47 packet.” (ECF No. 4.) The previous request for the packet (ECF No. 4) and the motion (ECF No. 5) now before this court both do not relate to plaintiff’s civil action before the undersigned. Plaintiff’s civil rights complaint (ECF No. 1) concerns alleged mismanagement of his medical treatment while in custody. Issues related to proposition 47 and plaintiff’s sentencing by the state court are completely unrelated to this action.

“It is well established that ‘[d]istrict courts have inherent power to control their docket.’ ” Atchison, Topeka & Santa Fe Ry. v. Hercules, Inc., 146 F.3d 1071, 1074 (9th Cir. 1998) (alteration in original) (quoting Hernandez v. City of El Monte, 138 F.3d 393, 398 (9th

1 Cir.1998)). This includes the power to strike items from the docket. Ready Transp., Inc. v. AAR
2 Mfg., Inc., 627 F.3d 402 (9th Cir. 2010); see also Lazy Y Ranch Ltd. v. Behrens, 546 F.3d 580,
3 586–87, 588 (9th Cir. 2008) (discussing, but declining to rule on, the ability of a district court to
4 strike documents submitted as exhibits to a motion); Carrigan v. Cal. State Legislature, 263 F.2d
5 560, 564 (9th Cir.1959) (discussing an appellate court's inherent power to strike briefs and
6 pleadings “as either scandalous, impertinent, scurrilous, and/or without relevancy”).

7 Because plaintiff’s letter concerning proposition 47 is Dated: January 20, 2017
8 without relevancy to the current case, IT IS HEREBY ORDERED that the letter (ECF No. 5) be
9 stricken from the docket.

10 Dated: January 20, 2017

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14 DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

15 TIM-DLB:10
16 DB / ORDERS / ORDERS.PRISONER.CIVIL RIGHTS / hear.1357.striking

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