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

DAN BAILEY,  
  
                                Plaintiff,  
  
                                v.  
  
ENLOE MEDICAL CENTER,  
  
                                Defendant.

No. 2:18-CV-0055-KJM-DMC

ORDER

Plaintiff, who is proceeding pro se, brings this civil action. Pending before the Court is Plaintiff’s application, ECF No. 72, for leave to file a surreply in opposition to Defendant’s motion to dismiss.

Plaintiff states that he seeks to address two issues discussed in Defendant’s reply brief. First, Plaintiff seeks to further address what he claims is a requirement under California law that a motion to dismiss be “verified.” Second, Plaintiff seeks to further address Defendant’s contention that certain of Plaintiff’s claims are preempted and/or time barred. Plaintiff’s motion will be denied because he has not demonstrated why his discussion of these issues contained in his opposition brief is insufficient. The Court has reviewed Plaintiff’s opposition and notes that both the issues Plaintiff’s seeks to further address are already adequately briefed. The Court does not find that additional briefing by way of a surreply would be beneficial.

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The Court will address Defendant’s motion to dismiss by separate findings and recommendations.

Accordingly, IT IS HEREBY ORDERED that Plaintiff’s application, ECF No. 72, for leave to file a surreply is denied.

Dated: February 9, 2021



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DENNIS M. COTA  
UNITED STATES MAGISTRATE JUDGE