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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSHUA BLOCKER,
Plaintiff,
v.
PATRICK PRICE,
Defendant.

No. 2:18-cv-00253 WBS DB

ORDER

Plaintiff, Joshua Blocker, is a state prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983.

In reviewing the parties’ briefing on defendant’s currently pending summary judgment motion, it appears that plaintiff may have omitted or failed to attach a document he intended to file with his opposition. In plaintiff’s sur-reply¹, plaintiff states that he responded to the itemized facts in defendant’s Statement of Undisputed Facts (DSUF) in the white space provided to the right of each fact on the DSUF. (EDF No. 52 at 2-3.) However, the only documents filed by plaintiff were his opposition brief and its associated exhibits. (ECF No. 49.)

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¹ The filing of a sur-reply is not authorized by the Federal Rules of Civil Procedure or the Local Rules. See Fed. R. Civ. P. 12; Local Rule 230. Nonetheless, in light of plaintiff’s pro se status, the undersigned has reviewed the sur-reply in evaluating defendant’s motion for summary judgment.

1 To the extent plaintiff meant to include with his opposition a document containing his
2 responses to the itemized facts in the DSUF, the court will provide plaintiff with additional time
3 to submit it. However, plaintiff is advised that this is not a second opportunity to oppose
4 defendant's motion.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. Plaintiff may submit his responses to the itemized list of facts in the defendant's
7 Statement of Undisputed Facts, which plaintiff refers to in his sur-reply brief, within
8 thirty days of service of this order; and
- 9 2. The Clerk of the Court is directed to send plaintiff a copy of defendant's Statement of
10 Undisputed Facts (ECF No. 48-3) and plaintiff's opposition brief (ECF No. 49) along
11 with this order.

12 Dated: January 15, 2021

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15 DEBORAH BARNES
16 UNITED STATES MAGISTRATE JUDGE
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24 DLB:14
25 DLB1/orders/prisoner-civil rights/bloc0235.suf
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