1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 DANIEL ARZAGA, No. 2:18-cv-0313 KJM KJN P 12 Plaintiff, 13 **ORDER** v. 14 E. SANTIAGO, et al., 15 Defendants. 16 17 Plaintiff is a state prisoner, proceeding without counsel. On March 7, 2022, plaintiff filed a motion seeking leave to file a sur-reply to defendants' reply filed in connection with defendants' 18 19 motion for judgment on the pleadings. 20 The Local Rules do not authorize the routine filing of a sur-reply. Nevertheless, a district 21 court may allow a sur-reply "where a valid reason for such additional briefing exists, such as 22 where the movant raises new arguments in its reply brief." Hill v. England, 2005 WL 3031136, at 23 \*1 (E.D. Cal. 2005); accord Norwood v. Byers, 2013 WL 3330643, at \*3 (E.D. Cal. 2013) (granting the motion to strike the sur-reply because "defendants did not raise new arguments in 24 25 their reply that necessitated additional argument from plaintiff, plaintiff did not seek leave to file 26 a sur-reply before actually filing it, and the arguments in the sur-reply do not alter the analysis 27 below"), adopted, 2013 WL 5156572 (E.D. Cal. 2013). //// 28

/arza0313.sur

Here, defendants did not raise new arguments in the reply brief, and it appears plaintiff merely seeks another opportunity to oppose defendants' motion. Therefore, the undersigned declines to grant plaintiff an opportunity to file a sur-reply.

Accordingly, IT IS HEREBY ORDERED that plaintiff's motion (ECF No. 116) is denied. Dated: March 22, 2022

KENDALL J. NEWMAN

UNITED STATES MAGISTRATE JUDGE