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3 IN THE UNITED STATES DISTRICT COURT
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA
5

6 ANDREW L. MOFFETT,

No. C 12-04359 YGR (PR)

7 Plaintiff,

**ORDER DENYING PLAINTIFF'S
REQUEST FOR LEAVE TO FILE A
SUR-REPLY; AND GRANTING HIS
REQUEST FOR A COPY OF
DEFENDANTS' REPLY TO HIS
OPPOSITION TO THEIR DISPOSITIVE
MOTION**

8 v.

9 CONTRA COSTA COUNTY SHERIFF'S
DEPUTY GONZALEZ, et al.,

10 Defendants.
11 _____/

12 Before the Court are Plaintiff's request for leave to file a sur-reply¹ and request for a copy of
13 Defendants' reply to his opposition to their dispositive motion.

14 In response to the Court's January 30, 2013 Order of Service, Defendants filed a dispositive
15 motion. Plaintiff has opposed the motion, Defendants have filed a reply, and now Plaintiff requests
16 leave to file a sur-reply. He is seeking permission from this Court to do so, as required by the
17 Northern District of California's Local Rules. Specifically, Civil Local Rule 7-3 provides, in
18 pertinent part, that "once a reply is filed, no additional memoranda, papers or letters may be filed
19 without prior court approval." Civ. L. R. 7-3(d). In the present case, Plaintiff has previously been
20 given an opportunity to file an opposition to Defendants' dispositive motion. He was also granted an
21 extension of time to do so. As mentioned above, Plaintiff filed his opposition and Defendants filed
22 their reply. Therefore, Defendants' disposition motion is now submitted and ready for the Court's
23 review. Because the Court finds that Plaintiff has been given adequate opportunity to respond to
24 Defendants' dispositive motion, his motion for leave to file a sur-reply (Docket No. 33) is DENIED.

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28 ¹ Plaintiff seeks an extension "to file [his] objections to [Defendants'] motion to dismiss." (Docket No. 33 at 1.) He has already filed his opposition to Defendants' dispositive motion, and Defendants have filed their reply. Therefore, the Court construes Plaintiff's request to be a motion for leave to file a sur-reply.

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Plaintiff's request for a copy of Defendants' reply (Docket No. 35) is GRANTED. The Clerk of the Court shall send Plaintiff a copy of the reply (Docket No. 29) along with his copy of this Order.

This Order terminates Docket Nos. 33 and 35.

IT IS SO ORDERED.

DATED: January 31, 2014


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE