

**MINUTES OF THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA v. FUESS

Case No.: 15cv1148 BEN(RBB)
Time Spent: _____

HON. RUBEN B. BROOKS

CT. DEPUTY VICKY LEE

Rptr.

Plaintiffs

Attorneys


Defendants

PROCEEDINGS: In Chambers In Court Telephonic

On August 31, 2016, Plaintiff filed a “Reply Brief in Support of United States’ Motion to Compel Discovery and Motion for Discovery Sanctions” (the “Reply”) [ECF No. 25]. There, the United States requests that the September 7, 2016 hearing date be vacated, or in the alternative, that Plaintiff’s counsel be permitted to appear telephonically at the hearing. (Reply 2, ECF No. 25.) This request is improperly raised in the Reply. See United States v. Boggi, 74 F.3d 470, 478 (3d Cir. 1996) (noting the general practice is not to entertain arguments first raised in a reply brief because it deprives the opposing party of an adequate opportunity to respond). But even ignoring the propriety of raising this request in the Reply, the United States has not shown good cause for this request. As a result, this request is **DENIED**.

DATE: September 1, 2016

IT IS SO ORDERED:


Ruben B. Brooks,
U.S. Magistrate Judge

cc: Judge Benitez
All Parties of Record