

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 12-cv-01689-MSK-BNB

BRIAN PATRICK SPENSER PERCEVAL,

Plaintiff,

v.

GRAYSON ROBINSON, Sheriff,
MRS. ELAINE, HSA,
JOHN DOE I, Deputy Sheriff,
JOHN DOE II, Deputy Sheriff,
JOHN DOE III, Deputy Sheriff,
JANE DOE I, Nurse,
JANE DOE II, Nurse, and
JANE DOE III, Nurse,

Defendants.

ORDER

This matter arises on the following motions:

1. **Defendants' Motion to Strike Plaintiff's Response to Defendant's Reply to Plaintiff's Opposition to Defendant's Motion to Dismiss** [Doc. #24, filed 11/29/2012] (the "Motion to Strike"); and
2. The plaintiff's **Motion to Expedite** [Doc. #26, filed 04/15/2013].

The Motion to Strike is GRANTED, and the Motion to Expedite is DENIED.

Motion to Strike

The defendants filed a motion to dismiss on September 26, 2012 [Doc. #17]. The plaintiff filed his response to the motion on October 10, 2012 [Doc. #20], and the defendants filed a reply in support of the motion on October 23, 2012 [Doc. #22]. On November 19, 2012,

the plaintiff filed “Plaintiff’s Response to Defendant’s Reply to Plaintiff’s Opposition to Defendant’s Motion to Dismiss [Doc. #23] (the “Sur-reply”). The local rules of this court provide that there shall be a motion, a response, and a reply. D.C.COLO.LCivR 7.1C. Further briefing is not permitted without leave of court. The plaintiff has not sought leave to file a Sur-reply, nor does it appear that further briefing is necessary. Accordingly, the defendants’ Motion to Strike is granted, and the Sur-reply is stricken.

Motion to Expedite

The plaintiff requests that the court enter a decision on the defendants’ motion to dismiss. I have entered a separate Recommendation concerning the motion to dismiss. The plaintiff’s Motion to Expedite is moot.

IT IS ORDERED:

1. Defendants’ Motion to Strike Plaintiff’s Response to Defendant’s Reply to Plaintiff’s Opposition to Defendant’s Motion to Dismiss [Doc. #24] is GRANTED;
2. Plaintiff’s Response to Defendant’s Reply to Plaintiff’s Opposition to Defendant’s Motion to Dismiss [Doc. #23] is STRICKEN; and
3. The plaintiff’s Motion to Expedite [Doc. #26] is DENIED.

Dated May 29, 2013.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge