

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

GUANG CHEN,

Plaintiff,

-vs-

Case No. 2:09-cv-752-FtM-36SPC

DESOTO COUNTY, FLORIDA, a political
subdivision of the State of Florida, and
JASON GREEN, individually and as County
Planning Manager for DeSoto County, Florida,

Defendants.

ORDER

This matter comes before the Court on Defendant DeSoto County's Motion to Strike Plaintiff's Response to Defendant's Answer and Affirmative Defenses to Plaintiff's First Amended Complaint (Doc. #59) filed on October 13, 2010. Plaintiff filed his First Amended Complaint on September 9, 2010 (Doc. #49). Defendant filed its Answer and Affirmative Defenses on September 20, 2010 (Doc. #51). Thereafter on October 1, 2010, Plaintiff filed a Response to Defendant's Answer and Affirmative Defenses to Plaintiff's First Amended Complaint (Doc. #54). A response to an answer is not allowed under the Federal Rules and Plaintiff did not seek leave of Court to file such a pleading. Therefore, the pleading is due to be stricken.

Accordingly, it is now

ORDERED:

Defendant DeSoto County's Motion to Strike Plaintiff's Response to Defendant's Answer and Affirmative Defenses to Plaintiff's First Amended Complaint (Doc. #59) is **GRANTED**.

Plaintiff's Response to Defendant's Answer and Affirmative Defenses to Plaintiff's First Amended Complaint (Doc. #54) is hereby stricken.

DONE AND ORDERED at Fort Myers, Florida, this 20th day of October, 2010.


SHERI POLSTER CHAPPELL
UNITED STATES MAGISTRATE JUDGE

Copies: All Parties of Record