

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CHRISTOPHER H. MCCOY,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 14-cv-01379-JPG-DGW
)	
ERIC T. EDMISTER, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiff's Reply (Doc. 122) to Defendants' Response (Doc. 120) in Opposition of Plaintiff's Motion (Doc. 119) for Reconsideration. This Court ruled on plaintiff's Motion for Reconsideration on November 30, 2016. However, according to the plaintiff, he did not receive defendant's response until November 28, 2016 and therefore, he had until December 12, 2016 in which to file a reply.

Local Rule 7.1 states that reply briefs are not favored and should be filed only in exception circumstances. Further, the party filing the reply brief is required to state the exceptional circumstances within its reply. Plaintiff's reply fails to state an exceptional circumstance and the Court would normally strike it for failing to comply with Local Rule 7.1(c). However, given the delay in plaintiff's receipt of the defendant's response, the Court undertook a review of the plaintiff's response to determine whether there were any additional, relevant arguments put forth that could have altered the determination of the Court with regard to plaintiff's motion to reconsider.

There were none. Plaintiff restates the arguments he put forth in his initial motion and focuses again on the Administrative Procedures Act (“APA”)¹ and the “mischaracterization” of his complaint. He then argues that “by default” his Motion to Reconsider “would stand under a Rule 60(B)(3) motion for a void judgement (sic)” but again, the arguments return to the APA.

The Court has reviewed the plaintiff’s reply in an abundance of caution to ensure that the plaintiff’s arguments were reviewed and considered. However, the Court finds no basis to *sua sponte* change its determination with regard to Plaintiff’s Motion to Reconsider based on plaintiff’s reply.

Again, the Court advises the Plaintiff that if he wishes to appeal the judgment in this case or the order denying his motion to reconsider, he must file a notice of appeal in this Court within 30 days of entry of the order denying his motion to reconsider, Fed. R. App. P. 4(a)(1)(A), (a)(4)(A) & (a)(4)(B)(ii), or within any extension of that deadline authorized by the Court, Fed. R. App. P. 4(a)(5).

IT IS SO ORDERED.

DATED: 12/14/2016

s/J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE

¹ Plaintiff’s claims under the Administrative Procedures Act did not survive threshold review. *See Memorandum and Order (Doc. 10).*