

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

MICHAEL HAYES

PLAINTIFF

v.

No. 4:17CV2-DMB-JMV

**RAYMOND WONG
STEVEN HAYNE, M.D.**

DEFENDANTS

**ORDER DENYING DEFENDANTS' MOTION [21]
TO STRIKE PLAINTIFF'S SUPPLEMENTAL BRIEF**

This matter comes before the court on the motion [21] by the defendants to strike the plaintiff's supplemental brief [20] in support of his motion to remand. Courts must interpret the filings of *pro se* litigants liberally, as they are usually unskilled in the law. *Haines v. Kerner*, 404 U.S. 519 (1972). In addition, *pro se* litigants often do not know the deadlines involved in various aspects of litigation. Though the court may hold a *pro se* plaintiff responsible for knowledge of procedural rules, the court will, in its discretion, permit this minor deviation from regular motion practice. The Fifth Circuit acknowledges a district court's discretion to do so, holding that "the precise nature of the opportunity given a *pro se* litigant to remedy defects in his summary judgment materials lies, of course, in the sound discretion of the district court." *Barker v. Norman*, 651 F.2d 1107, 1128 (5th Cir. 1981). For these reasons, the motion [21] by the defendants to strike the plaintiff's supplemental brief is **DENIED**.

SO ORDERED, this, the 21st day of September, 2017.

/s/ Jane M. Virden
UNITED STATES MAGISTRATE JUDGE