

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION**

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MARC HARDESTY,

CV 11-103-M-DWM-JCL

Plaintiff,

vs.

ORDER

GLENN BARCUS, in his individual  
and official capacities, COL.  
MICHAEL TOOLEY, in his individual  
and official capacities, MONTANA  
HIGHWAY PATROL, and JOHN  
DOES 1-25, in their individual and  
official capacities,

Defendants.

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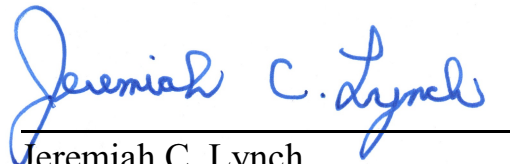
Review of the docket in this matter reflects that the Plaintiff filed two documents identified as docket numbers 52 and 53. Docket number 52 contains a certificate of service, but docket number 53 does not. In fact, the Plaintiff, through counsel, filed docket number 53 ex parte. Neither docket numbers 52 nor 53 was properly filed.

First, the Plaintiff did not obtain leave of Court to file either docket numbers 52 or 53 under seal as required by L.R. 5.1(b). Second, there exists no basis for the filing of docket number 53 ex parte. Consequently, both docket numbers 52

and 53 are stricken from the record subject to the Plaintiff's right to file those documents in accordance with both the Federal Rules of Civil Procedure and the Local Rules.

IT IS SO ORDERED.

DATED this 22<sup>nd</sup> day of June, 2012.



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Jeremiah C. Lynch  
United States Magistrate Judge