

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ANTHONY BAILEY, *et al.*,
Plaintiffs,
vs.
CPT. RICH SUEY, *et al.*,
Defendants.

Case No. 2:12-cv-01954-JCM-CWH

ORDER

This matter is before the Court on Defendants' Motion to Strike (#41), filed July 1, 2013.

The motion is not opposed by any party. An opposition was filed by Andre J. King Hardiman, an inmate identifying himself as a member of the class and an interested party. *See* (#42). This is not a class action. *See Order* (#40) (denying motion for class certification). Thus, the opposition is a fugitive document filed by a non party. If Hardiman wishes to file suit for conditions related to his confinement, he must do so separately and in full compliance with the provision of the Prisoner Litigation Reform Act. The motion to strike was not opposed by any party to the lawsuit. Pursuant to Local Rule 7-2(d), “[t]he failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion.” Accordingly,

IT IS HEREBY ORDERED that Defendants' Motion to Strike (#41) is **granted**.

IT IS FURTHER ORDERED that Non-Party Andre J. King Hardiman's improper filing (#42) shall be **stricken**.

DATED: July 19, 2013.

C.W. Hoffman, Jr.
United States Magistrate Judge