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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA
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7 ANTHONY BAILEY, *et al.*,
8 Plaintiffs,

9 vs.

10 CPT. RICH SUEY, *et al.*,
11 Defendants.
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Case No. 2:12-cv-01954-JCM-CWH

ORDER

13 This matter is before the Court on Defendants' Motion to Strike (#41), filed July 1, 2013.
14 The motion is not opposed by any party. An opposition was filed by Andre J. King Hardiman, an
15 inmate identifying himself as a member of the class and an interested party. *See* (#42). This is not
16 a class action. *See* Order (#40) (denying motion for class certification). Thus, the opposition is a
17 fugitive document filed by a non party. If Hardiman wishes to file suit for conditions related to his
18 confinement, he must do so separately and in full compliance with the provision of the Prisoner
19 Litigation Reform Act. The motion to strike was not opposed by any party to the lawsuit. Pursuant
20 to Local Rule 7-2(d), "[t]he failure of an opposing party to file points and authorities in response to
21 any motion shall constitute a consent to the granting of the motion." Accordingly,

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

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

25 DATED: July 19, 2013.

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