1	UNITED STATES DISTRICT COURT	
2	DISTRICT OF NEVADA	
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5	MARGARET PATTON,	
6	Plaintiff,	2:12-cv-02142-GMN-VCF
7	vs.	ODDED
8	WAL-MART STORES, INC.,	ORDER
9	Defendant.	
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11	Before the court is Defendant Wal-Mart Stores, Inc.'s Rule 12(f) Motion to Strike Plaintiff's	
12	Argument (#36 <sup>1</sup> ). Plaintiff Margaret Patton filed an Opposition (#38); and Wal-Mart replied (#39).	
13	Wal-Mart's motion to strike is denied. Wal-Mart asks the court to strike an argument from	
14	Patton's reply brief (#34), which concerns Patton's pending motion for sanctions (#26), because the	
15	argument was not previously raised and, purportedly, is waived. (See Def.'s Mot. to Strike (#36) at 2).	
16	Wal-Mart makes this motion pursuant to Federal Ru	le of Civil Procedure 12(f).

Rule 12(f) provides, "[t]he court may strike from a *pleading* an insufficient defense or any 17 redundant, immaterial, impertinent, or scandalous matter." FED. R. CIV. P. 12(f) (emphasis added). 18 Reply briefs are not pleadings. See FED. R. CIV. P. 7(a); see also 5C WRIGHT & MILLER, FEDERAL 19 PRACTICE & PROCEDURE 1380 & n. 8.5 (3d ed. 2012) ("Rule 12(f) motions only may be directed 20 towards pleadings as defined by Rule 7(a); thus motions, affidavits, briefs, and other documents outside of the pleadings are not subject to Rule 12(f).") 22

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25 <sup>1</sup> Parenthetical citations refer to the court's docket.

1	The court notes that is has inherent authority to strike a party's papers and motions. See Metzger	
2	v. Hussman, 682 F. Supp. 1109, 1110 (D. Nev. 1988) (Chief Judge Reed). However, the court declines	
3	to exercise that authority at this time and will reconsider Wal-Mart's concern when the court addresses	
4	Patton's motion for sanctions (#34).	
5	ACCORDINGLY, and for good cause shown,	
6	IT IS ORDERED that Defendant Wal-Mart Stores, Inc.'s Rule 12(f) Motion to Strike Plaintiff's	
7	Argument (#36) is DENIED.	
8	IT IS SO ORDERED.	
9	DATED this 4th day of October, 2013.	
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11	Contracted	
12	CAM FERENBACH	
13	UNITED STATES MAGISTRATE JUDGE	
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