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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JAMES VIX and BARBARA STUART,

Plaintiffs,

v.

AGENTS FOR INTERNATIONAL  
MONETARY FUND, INTERNAL  
REVENUE SERVICE DISTRICT  
DIRECTOR, SPECIAL PROCEDURES  
FUNCTION OFFICER and THEIR  
PRINCIPAL; GOVERNOR OF AKA  
SECRETARY OF THE TREASURY  
AND THEIR PRINCIPAL; GOVERNOR  
OF AKA SECRETARY OF THE  
TREASURY,

Defendants.

Case No. 2:13-cv-02093-APG-PAL

**ORDER GRANTING DEFENDANTS'  
MOTION TO STRIKE PLAINTIFFS'  
SURREPLY DOCUMENT #13**

[Dkt. #17]

Defendant United States of America filed a Motion to Dismiss [Dkt. #8] the complaint filed by plaintiffs Barbara Stuart and James Vix. Plaintiffs filed their Response to the USA's motion [Dkt. #11], and the USA filed a reply [Dkt. #12.] On March 4, 2014, Plaintiffs filed a single document with four titles: "OPPOISION [*sic*] TO UNITED STATE [*sic*] TO REPLY FROM PETITIONERS ANSWER TO MOTION TO DISMISS," "REQUEST TO AMEND COMPLAINT AND FOR DISCOVERY," "REQUEST LEAVE TO CORRECT SUMMONS," and "REQUEST A SHOW CAUSE HEARING." This document is properly considered a rogue surreply. The conclusion section of Plaintiffs' surreply includes a single sentence requesting "leave to correct the summons issue, and leave to amend [their] complaint and Discovery which would amend the complaint or grant us a show cause hearing so the US Attorney can provide evidence to disprove the FACTS listed above." [Dkt. #14 at p. 14.] The court's electronic filing

1 system listed this document as four separate motions, [Dkt. ##13-16].<sup>1</sup> The USA filed a Motion  
2 to Strike all four surreplies. [Dkt. #17.]

3 Courts hold lay plaintiffs to less stringent construction standards than the standards to  
4 which it holds lawyers. *Pro se* pleadings should “be liberally construed ... however inartfully  
5 pleaded.” *Estelle v. Gamble*, 429 U.S. 97, 106 (1995) (internal quotation marks omitted); Fed. R.  
6 Civ. P. 8(f) (“All pleadings shall be so construed as to do substantial justice”). Nevertheless, lay  
7 plaintiffs must comply with same rules of procedure as other litigants. *See Ghazali v. Moran*, 46  
8 F.3d 52, 54 (9th Cir.1995) (citing *King v. Atiyeh*, 814 F.2d 565, 567 (9th Cir.1987)).

9 Local Rule 7-2 allows a motion, a response and a reply. Neither the Federal Rules of  
10 Civil Procedure nor the local rules of this court provide for additional oppositions (often  
11 mislabeled “surreplies”) as a matter of right. A surreply may be filed only with leave of the  
12 Court, and only to address new matters raised in a reply to which a party would otherwise be  
13 unable to respond.

14 Plaintiffs have not moved the Court for, nor has the Court granted, leave to file a surreply.  
15 Further, the Court does not see the need for a surreply in this case. As such, the Court hereby  
16 GRANTS Defendant’s motion to strike Plaintiff’s “OPPOISION TO UNITED STATE [*sic*] TO  
17 REPLY FROM PETITIONERS ANSWER TO MOTION TO DISMISS” [Dkt. #13]. Plaintiffs’  
18 three related motions [Dkt. ##14-16] are addressed in this Court’s Order Granting Defendants’  
19 Motion to Dismiss.

20 IT IS ORDERED that Plaintiffs’ surreply [Dkt. #13] is stricken from the record.

21 DATED THIS 25th day of March, 2014.



22  
23 ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE

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27 <sup>1</sup> United States District Court, District of Nevada, “Special Order 109” at page 4, *available at*  
28 <http://www.nvd.uscourts.gov/Files/Electronic%20FilingProcedures.pdf> (Plaintiff must file a separate  
document for each type of document or purpose).