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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

WILSON O. PETERS,

Petitioner,

v.

DWIGHT NEVEN, et al.,

Respondents.

Case No. 2:14-cv-01055-RFB-VCF

ORDER

This habeas matter under 28 U.S.C. § 2254 comes before the court on respondents' motion to strike a portion of petitioner Wilson O. Peters' counseled reply in support of his first-amended petition (ECF No. 46). Peters opposed (ECF No. 49), and respondents replied (ECF No. 50).

Rule 12(f) of the Federal Rules of Civil Procedure provides that "[t]he court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter." Respondents argue that a portion of Peters' reply relies on a new exhibit to support the "otherwise conclusory claims in Ground 3(a)" (ECF No. 46, p. 3). Respondents have presented no proper basis to strike petitioner's reply, and the motion shall be denied. The court expresses no view at this time as to whether or not the exhibit is properly before the court. The petition stands briefed and shall be adjudicated on the merits in due course.

IT IS THEREFORE ORDERED that respondents' motion to strike (ECF No. 46) is **DENIED**.

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IT IS FURTHER ORDERED that petitioner's motion for leave to file exhibits under seal (ECF No. 41) is **GRANTED**.

DATED: August 22, 2017. 22 August 2017



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE