| 1  | 1 UNITED STATES DISTRICT COURT  |         |  |
|----|---|---------|--|
| 2  | DISTRICT OF NEVADA  |         |  |
| 3  |   |         |  |
| 4  |   | WH      |  |
| 5  | 5 Plaintiff,  |         |  |
| 6  | 6 v. )  |         |  |
| 7  | 7 PATRICK HENDRIX, et al,   |         |  |
| 8  | 8 Defendants.   |         |  |
| 9  | 9   |         |  |
| 10 | Presently before the Court is Defendants' motion to strike (ECF No. 32), filed on Ma                        | arch 6, |  |
| 11 | 2017. Pro se Plaintiff Leroy Collins filed a response (ECF No. 34) on March 17, 2017. Defendants            |         |  |
| 12 | have not filed a reply.   |         |  |
| 13 | Defendants move the Court to strike Plaintiff's reply to the second amended complaint (ECF                  |         |  |
| 14 | No. 31), arguing that the Federal Rules of Civil Procedure do not allow for a reply to a complaint          |         |  |
| 15 | except when ordered by the Court. No such order has been made in this case. Plaintiff concedes              |         |  |
| 16 | these facts, but argues that the Court may use its discretion and allow for the reply. Construing           |         |  |
| 17 | Plaintiff's filings liberally, the Court will treat Plaintiff's response to the instant motion as a request |         |  |
| 18 | for leave to file a reply to the second amended complaint.  |         |  |
| 19 | Upon review, Plaintiff has not provided the Court with good cause to allow for a reply to the               |         |  |
| 20 | second amended complaint. Plaintiff does not provide any particular reason that the reply is                | 5       |  |
| 21 | necessary, and it merely reiterates the arguments already made in the second amended complaint.             |         |  |
| 22 | The Court is aware of these arguments and will give them their due consideration. Plaintiff will have       |         |  |
| 23 | 3 further opportunity to develop these arguments during the dispositive motion phase of litiga              | tion.   |  |
| 24 | 4 Therefore, there is no need for the Court to entertain a reply to the second amended complain             | nt.     |  |
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|    |   |         |  |

| 1        | IT IS THEREFORE ORDERED that Defendant's motion to strike (ECF No. 32) is                  |  |  |
|----------|--|--|--|
| 2        | GRANTED. The Clerk shall STRIKE Plaintiff's reply to the second amended complaint (ECF No. |  |  |
| 3        | 31).   |  |  |
| 4        | DATED: March 21, 2017.   |  |  |
| 5        | Curst  |  |  |
| 6        |  |  |  |
| 7        | C.W. Hoffman, Jr.<br>United States Magistrate Judge  |  |  |
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