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4 **UNITED STATES DISTRICT COURT**  
5 **DISTRICT OF NEVADA**  
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7 CHARLES B. PHILLIPS, )

8 Plaintiff, )

9 vs. )

10 VA ADMINISTRATION EAST CLINIC, *et al.*, )

11 Defendants. )  
12 \_\_\_\_\_ )

Case No. 2:15-cv-02024-LDG-GWF

**ORDER**

13 This matter is before the Court on the LVMPD Defendants' Motion to Strike Plaintiff's  
14 Declaration of Rights Biven Agent/Plaintiff's Motion for Sustainability to FRCP Rule 57 and Rule  
15 39 (ECF No. 98), filed on May 31, 2016. Defendant Kevin Hagerty, DC filed a Joinder (ECF No.  
16 98) on June 1, 2016.

17 To date, Plaintiff has not responded to this motion and the time for opposition has now  
18 passed. Local Rule 7-2(d) states in pertinent part, that "[t]he failure of an opposing party to file  
19 points and authorities in response to any motion shall constitute a consent to the granting of the  
20 motion." As a result, the Court will grant the present motion.


21 In addition, Federal Rule of Civil Procedure 12(f) provides that "a court may strike from a  
22 pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter."  
23 The LVMPD Defendants argue that Plaintiff's Declaration/Motion for Sustainability (ECF No. 97)  
24 is "irrelevant and immaterial to [Plaintiff's] case as it has no purpose; requests no proper relief; and  
25 is non-responsive to the Motion to Strike." *Motion to Strike* (ECF No. 98), pg. 2, lns. 16–17. The  
26 Court agrees. Accordingly,

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1 **IT IS HEREBY ORDERED** that the LVMPD Defendants' Motion to Strike Plaintiff's  
2 Declaration of Rights Biven Agent/Plaintiff's Motion for Sustainability to FRCP Rule 57 and Rule  
3 39 (ECF No. 98) is **granted**. The Clerk of the Court shall strike Plaintiffs "Declaration of Rights  
4 Biven Agent/Plaintiff's Motion for Sustainability to FRCP Rule 57 and Rule 39" (ECF No. 97).

5 DATED this 23rd day of June, 2016.

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8 GEORGE FOLEY, JR.  
9 United States Magistrate Judge

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