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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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| DONALD E. MITCHELL JR., |) | Case No. 2:16-cv-00037-RFB-NJK |
| |) | |
| Plaintiff(s), |) | ORDER DENYING MOTION TO STRIKE |
| |) | |
| vs. |) | (Docket No. 38) |
| |) | |
| NEVADA DEPARTMENT OF CORRECTIONS, et al., |) | |
| |) | |
| Defendant(s). |) | |

Pending before the Court is Defendants’ motion to strike, Docket No. 38, which is hereby **DENIED**. A motion to strike material from a pleading is made pursuant to Rule 12(f) of the Federal Rules of Civil Procedure, which allows courts to strike “any redundant, immaterial, impertinent or scandalous matter.” The essential function of a Rule 12(f) motion is to “avoid the expenditure of time and money that may arise from litigating spurious issues by dispensing with those issues prior to trial.” *Fantasy, Inc. v. Fogerty*, 984 F.2d 1524, 1527 (9th Cir. 1993), *rev’d on other grounds*, 510 U.S. 517 (1994). Motions to strike are disfavored. *Roadhouse v. Las Vegas Metropolitan Police Dept.*, 290 F.R.D. 535, 543 (D. Nev. 2013). “Given their disfavored status, courts often require a showing of prejudice by the moving party before granting the requested relief.” *Id.* “Whether to grant a motion to strike lies within the sound discretion of the district court.” *Id.*

In this case, Defendants assert that Plaintiff (who is a prisoner proceeding *pro se*) filed an improper response to their answer. Docket No. 38 at 2; *see also* Docket No. 37 (“Response” to answer). Defendants assert that Plaintiff’s filing is not in compliance with Rule 7 of the Federal Rules of Civil Procedure. *Id.*

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1 Regardless of whether Defendants are correct on that point, however, they failed to show any prejudice in
2 not striking that document. Especially with respect to filings of *pro se* litigants who may be unfamiliar with
3 the technical aspects of the applicable rules, the Court does not find it be a useful expenditure of resources
4 to entertain motions to strike without any showing of prejudice. *Cf. Russell Road Food & Bev., LLC v.*
5 *Galam*, 2013 WL 6684631, at *2 (D. Nev. Dec. 17, 2013) (“Modern litigation is too protracted and
6 expensive for the litigants and the court to expend time and effort pruning or polishing the pleadings”
7 (quoting 5C Wright & Miller, FEDERAL PRACTICE AND PROCEDURE, § 1382, at 457-58 (2004)).

8 Accordingly, the pending motion to strike is **DENIED** without prejudice.

9 IT IS SO ORDERED.

10 DATED: April 18, 2017

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13 NANCY J. KOPPE
14 United States Magistrate Judge
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