

1
2
3
4

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

6 * * *

7 MICHAEL ROWE,

8 Plaintiff,

Case No. 2:16-cv-00661-JCM-PAL

v.

9 CLARK COUNTY SCHOOL DISTRICT, et
10 al.,

11 Defendants.

ORDER

(Mots. to Strike – ECF No. 104, 105)

12 This matter is before the court on Defendants Clark County School District and Clark
13 County School District Police Department's: Motion to Strike Plaintiff's Amended Motion to
14 Compel a Dismissal Hearing [Doc. 102] (ECF No. 104) and Motion to Strike Plaintiff's Letter to
15 Your Honor [Doc. 103] (ECF No. 105). These Motions are referred to the undersigned pursuant
16 to 28 U.S.C. § 636(b)(1)(A) and LR IB 1-3 of the Local Rules of Practice. The court has
17 considered the Motions, Plaintiff Michael Rowe's Response (ECF No. 111), and the Joinders (ECF
18 Nos. 108, 108) of Defendant Clark County Education Association.

19 “It is well established that district courts have inherent power to control their docket.”
20 *Ready Transp., Inc. v. AAR Mfg., Inc.*, 627 F.3d 402, 404 (9th Cir. 2010). This includes the power
21 to strike improperly filed items from the docket. *Id.* at 404–05; *Lazy Y Ranch Ltd. v. Behrens*, 546
22 F.3d 580, 586–87, 588 (9th Cir. 2008). Such power is indispensable to the court’s ability to enforce
23 its orders, manage its docket, and regulate insubordinate litigant conduct. *Adobe Sys. Inc. v.*
24 *Christenson*, 891 F. Supp. 2d 1194, 1201 (D. Nev. 2012).

25 Additionally, Rule 11 of the Federal Rules of Civil Procedure provides that sanctions may
26 be imposed on an unrepresented party who signs a paper that is either filed with the court for an
27 improper purpose or is frivolous. *See Nugget Hydroelectric, L.P. v. Pacific Gas & Elec. Co.*, 981
28 F.2d 429, 439 (9th Cir. 1992) (upholding Rule 11 sanctions because a party’s second motion to

1 compel largely duplicated the first) (citing *Townsend v. Holman Consulting Corp.*, 929 F.3d 1358,
2 1362 (9th Cir. 1990) (en banc)). Once a motion is filed, filing a duplicate motion will not speed
3 up the court’s review of a movant’s request since motions are generally addressed in the order
4 which they were filed. To the contrary, filing duplicate motions increases the court’s workload
5 and generally delays decision while a new round of responses and reply deadlines run.

6 Defendants’ Motion to Strike (ECF No. 104) points out that Mr. Rowe’s Amended Motion
7 to Compel a Dismissal Hearing (ECF No. 102) contains a duplicative request for relief. Local
8 Rule 7-2 allows a motion, a response, and a reply. The Federal Rules of Civil Procedure and the
9 Local Rules of Practice do not provide for a “surreply” (i.e., a second opposition) or a supplemental
10 filing (i.e., an “amended motion”) as a matter of right. *See LR 7-2(g)* (“A party may not file
11 supplemental pleadings, briefs, authorities, or evidence without leave of court granted for good
12 cause.”). Rowe’s Amended Motion was filed without leave of the court and in violation of the
13 Local Rules. The court will not permit Mr. Rowe to circumvent the rules in a never ending attempt
14 to have the last word or to enhance his filings. Thus, the Amended Motion will be stricken.

15 Defendants’ Motion to Strike (ECF No. 105) asks the court to strike a letter addressed to
16 “Your Honor” in which Mr. Rowe discusses the filing of an amended motion to compel “dismissal
17 arbitration.” This court has previously explained to him that “letters to the court . . . are not motions
18 authorized by the Federal Rules of Civil Procedure or the Local Rules of Practice.” Mar. 27, 2017
19 Order (ECF No. 96). Thus, the court explicitly informed him that he is not permitted to send his
20 judges case-related correspondence such as letters. *See LR IA 7-1(b)* (stating that “all
21 communications with the court must be styled as a motion, stipulation, or notice”). Accordingly,
22 the court will grant Defendants’ motion and strike the letter.

23 Litigation misconduct includes the filing of procedurally improper documents. The court
24 cautions Mr. Rowe that filing multiple motions requesting the same relief is an abusive litigation
25 tactic that taxes the resources of the court and all of the parties to this lawsuit. Rowe is warned
26 that continued filing of letters, requesting relief that has already been denied, or the same relief in
27 pending motions, or making frivolous, unsupported requests may result in the imposition of
28 sanctions, including dismissal of this case.

1 Accordingly,

2 **IT IS ORDERED:**

3 1. Defendants' Motions to Strike (ECF No. 104) and (ECF No. 105) are **GRANTED**.
4 2. The Clerk of the Court is instructed to **STRIKE** Plaintiff Michael Rowe's Amended
5 Motion to Compel a Dismissal Hearing (ECF No. 102) and Letter to Your Honor (ECF
6 No. 103).

7 Dated this 23rd day of June, 2017.

8
9 
10

11 PEGGY A. LEEN
12 UNITED STATES MAGISTRATE JUDGE
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28