VS.

UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

THOMAS BENSON,

Plaintiff(s),

STATE OF NEVADA, et al.,

Defendant(s).

Case No. 2:17-cv-0447-RFB-NJK ORDER (Docket No. 27)

Pending before the Court is a motion to strike filed by the LVMPD Defendants. Docket No. 27. The motion seeks to strike a notice filed by Plaintiff regarding a purported cease and desist order. *See id.* at 2. Plaintiff filed a response in opposition, and the LVMPD Defendants filed a reply. Docket Nos. 40, 45. The Court finds the motion properly resolved without a hearing. *See* Local Rule 78-1.

The Court has authority to strike an improper filing under its inherent power to control its docket. *E.g.*, *Ready Transp.*, *Inc.* v. *AAR Mfg.*, *Inc.*, 627 F.3d 402, 404 (9th Cir. 2010).¹ "Motions to strike under the inherent power . . . are wholly discretionary." *Jones v. Skolnik*, 2015 WL 685228, at *2 (D. Nev. Feb. 18, 2015). In deciding whether to exercise that discretion, courts consider whether striking the filing would "further the overall resolution of the action," and whether the filer has a history of excessive and repetitive filing that have complicated proceedings. *Id.* Similarly, courts have expressed reluctance

¹ The motion in this case relies on Rule 12(f) of the Federal Rules of Civil Procedure, which provides bases for striking portions of a "pleading." The underlying document in this case is not a pleading, so the Court addresses the issue instead to its inherent authority.

at striking material without some showing of prejudice to the moving party. *Cf. Roadhouse v. Las Vegas Metro. Police Dept.*, 290 F.R.D. 535, 543 (D. Nev. 2013) (addressing motion to strike brought pursuant to Rule 12(f)).

The pending motion seeks to strike the notice filed by Plaintiff, arguing that it is a fake order from an imagined court that is irrelevant to this case. Docket No. 27 at 3. While the LVMPD Defendants may be correct on those fronts, they have not demonstrated circumstances showing that they are prejudiced by the existence of the filing on the docket or that striking the filing would further the overall resolution of the action. Without any explanation of any benefit of striking this filing, the Court declines to exercise its discretion to do so.

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

IT IS SO ORDERED.

DATED: April 4, 2017

NANCY J. KOPPE United States Magistrate Judge