

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SAMUEL FLORES,)	3:11-cv-00236-HDM-VPC
)	
Plaintiff,)	
)	<u>MINUTES OF THE COURT</u>
v.)	
)	
STATE OF NEVADA, <i>et al.</i> ,)	January 17, 2012
)	
Defendants.)	
_____)	

PRESENT: THE HONORABLE VALERIE P. COOKE, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: LISA MANN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Before the court is defendant McDaniel’s motion for summary judgment (#12). Also before the court are several motions. Each motion is addressed in turn.

1. Plaintiff’s Motion Requesting Permission For Rule 34 Production of Documents (#22)

On June 13, 2011, defendant McDaniel filed a motion for summary judgment (#12). On August 22, 2011, the court granted plaintiff one final extension of time to September 9, 2011, to file an opposition to defendant’s motion for summary judgment and denied plaintiff’s request for discovery (#18). Plaintiff filed his opposition on September 12, 2011 (#20). On October 6, 2011, plaintiff filed a motion requesting permission for Rule 34 production of documents in order to oppose defendant’s motion for summary judgment (#22). Defendant opposed (#28) and plaintiff replied (#36). The time to respond to defendant’s motion for summary judgment has now passed and the motion is fully briefed pursuant to Local Rule 7-2. Thus, plaintiff’s request for further discovery (#22) is **DENIED**. Plaintiff’s request to amend docket 22 is (#32) **DENIED** as moot.

2. Plaintiff's Motion to Admit Evidence Attached as Exhibits in Plaintiff's Opposition to Defendant's Motion for Summary Judgment (#25)

Plaintiff filed a "Motion to Admit Evidence Attached as Exhibits in Plaintiff's Motion for Opposition to Defendant's Summary Judgment" (#25). Defendant opposed (#39). Plaintiff did not reply. Plaintiff failed to provide any authority indicating the basis for this motion. Local Rule 7-2 provides that "failure of a moving party to file points and authorities in support of the motion shall constitute a consent to the denial of the motion." Further, to the extent plaintiff's motion responds to arguments set forth in defendant's reply, it is an improper sur-reply. Plaintiff's motion to admit evidence (#25) is **DENIED**.

3. Defendant's Motion to Strike "Objection to Defendant's Reply in Support of Plaintiffs Opposition to Summary Judgment" (#27)

Defendant's motion for summary judgment was fully briefed pursuant to Local Rule 7-2. Nevertheless, plaintiff subsequently filed a document styled, "Objection to Defendants Reply" (#24). This drew defendant's motion to strike, which plaintiff did not oppose. Defendant's motion to strike (#27) is **GRANTED** because (1) the Court did not give plaintiff leave to file a supplemental opposition, and (2) plaintiff's failure to oppose the motion to strike is deemed consent to the motion. Local Rule 7-2(d). Plaintiff's additional opposition (#24) is **STRICKEN**.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: _____ /s/

Deputy Clerk