McDowell, Jr. v. Rimington et al Doc. 33

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TOMMIE LEE McDOWELL, JR,	)	3:12-cv-00249-RCJ-WGC
	)	
Plaintiff,	)	**MINUTES OF THE COURT**
vs.	)	
	)	February 22, 2013
RICHARD RIMINGTON, *et al.*,	)	
	)	
Defendants.	)	
	)	

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: KATIE LYNN OGDEN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Before the court is Defendants' Motion (Doc. # 31) wherein Defendants request the court to Strike Plaintiff's "Notice to the Court" (Doc. # 30) pursuant to Fed. R. Civ. P. 12(f). As Defendants note, Federal Rule of Civil Procedure 12(f) provides the court with a mechanism to strike any redundant, immaterial, impertinent or scandalous matter from the record. However, Rule 12(f) only pertains to "pleadings." Plaintiff's "Notice to the Court," which is admittedly an unusual filing, is not a "pleading."

Furthermore, the court does not find that the Plaintiff's letter is either frivolous or immaterial. Pro se filings are to be liberally construed. *See Hughes v. Rowe*, 449 U.S. 5, 9 (1980); *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972) (per curiam); see also *Hamilton v. Brown*, 630 F.3d 889, 893 (9th Cir. 2011); *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th Cir. 2010); *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir. 1990). Because Plaintiff's "Notice to the Court" is not a "pleading," Defendant's motion to strike (Doc. #31) is therefore **DENIED.**

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: /s/
Deputy Clerk

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