

which he seeks various discovery from Defendants.¹ On January 27, 2017, Defendant Causby filed the pending motion to strike, seeking for this Court to strike various documents filed by Plaintiff.

The Court first addresses Plaintiff's Motion for Production of Documents, (Doc. No. 53). In response, Defendants assert that Plaintiff has not served his discovery responses in compliance with Fed. R. Civ. P. 34. Defendants state that they have responded to Plaintiff's production requests, with limited objections to scope and relevancy, and provided him with over 1000 pages of requested documents. Defendants argue that they have, therefore, adequately responded to Plaintiff's requests. Plaintiff's motion will be denied, as the period for discovery has not even commenced in this action. Discovery will not commence until the Court enters a pretrial scheduling order, setting forth deadlines for discovery and dispositive motions. The Court will not enter a pretrial scheduling order until all Defendants have filed an Answer, and Defendant Murry has until April 7, 2017, to file his Answer.

Next, as to Defendant Causby's motion to strike, Defendant notes that Plaintiff has filed multiple documents with the Court, (Doc. Nos. 32, 33, 34, 35, 40, 49, 52, 54), all of which appear to be aimed at putting "facts" or "evidence" before the Court. (Id.). Defendant contends that Plaintiff also attaches various documents, statements, photographs, and information to his letters and "pleadings," which lack proper basis or authentication. (Id.). Moreover, Plaintiff appears to use these documents to respond to the Answer filed by Defendant Causby. (Doc. Nos.

¹ Although Plaintiff's filing, titled "First Request for Production of Documents," appears to be merely a request for discovery from Defendants, rather than a motion seeking relief from this Court, the document was docketed in this Court as a motion, and this Court will therefore treat it as such.

52, 54).

Under Rule 7(a) of the Federal Rules of Civil Procedure, a party may file only the following pleadings in a civil action such as this one: (1) a complaint; (2) an answer to a complaint; (3) an answer to a counterclaim designated as a counterclaim; (4) an answer to a crossclaim; (5) a third-party complaint; (6) an answer to a third-party complaint; (7) if the court orders one, a reply to an answer. FED. R. CIV. P. 7(a). Plaintiff's filings at docket numbers 32, 33, 34, 35, 40, 49, 52, and 54 are improper because they do not constitute any of the listed pleadings under Rule 7. Furthermore, although the parties may also file motions, Plaintiff's filings at docket numbers 32, 33, 34, 35, 40, 49, 52, and 54 do not appear to be related to any pending motion in this matter and appear to be, at the least, superfluous. See FED. R. CIV. P. 7(b). For these reasons, the Court will grant Defendant's motion to strike.

Finally, the Court further warns Plaintiff that if he continues to file documents with this Court that do not comply with Rule 7, those documents will also be subject to be stricken. For instance, the Court notes that since the motion to strike was filed, Plaintiff has filed with the Court four letters that also do not appear to comply with Rule 7.

IT IS, THEREFORE, ORDERED that

(1) Plaintiff's Motion for Production of Documents, (Doc. No. 53), is **DENIED**.

(2) Defendant Causby's Motion to Strike, (Doc. No. 56), is **GRANTED**.

Signed: March 10, 2017



Frank D. Whitney
Chief United States District Judge

