

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

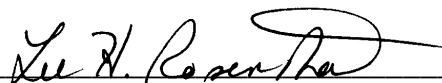
MAXEN CAPITAL, LLC, <i>et al.</i> ,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	CIVIL ACTION NO. H-08-3590
	§	
	§	
TIMOTHY SUTHERLAND, <i>et al.</i> ,	§	
	§	
Defendants.	§	

ORDER

The plaintiffs, Maxen Capital, LLC, William Baker, and Robert Erwin, filed a motion to strike the defendants' "late-filed" reply to the plaintiffs' response to the defendants' motion to dismiss. (Docket Entry No. 15, 17). The defendants filed a response. (Docket Entry No. 16). The motion to strike is based on the fact that the court's deadline for the defendants' reply was February 16, 2009. The reply was filed on February 17. As the defendants point out, however, the filing was timely because February 16 was a federal holiday -- Washington's Birthday -- and under Rule 6 of the Federal Rules of Civil Procedure, the deadline was the "next day that is not . . . a legal holiday," February 17.

The motion to strike is denied.

SIGNED on February 26, 2009, at Houston, Texas.



 Lee H. Rosenthal
 United States District Judge