

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 DYLAN JAMES DOWNEY,

11 CASE NO. C17-0968-JCC

12 Plaintiff,

13 MINUTE ORDER

14 v.

15 STUART ANDREWS, *et al.*,

16 Defendants.

17 The following Minute Order is made by direction of the Court, the Honorable John C.
18 Coughenour, United States District Judge:

19 This matter comes before the Court on Defendants' motion to strike (Dkt. No. 66)
20 Plaintiffs' response (Dkt. No. 65) to Defendants' objections (Dkt. No. 64) to Magistrate Judge
21 James Donohue's report and recommendation (Dkt. No. 63), and Plaintiff's surreply (Dkt. No.
22 68). Having reviewed the briefing¹, the Court DENIES Defendants' motion to strike (Dkt. No.
23 66).

24 The Local Civil Rules establish the filing deadlines for responding to objections made to
25 a magistrate judge's report and recommendation. *See* W.D. Wash. Local Civ. R. 72. A party
26 must file its response to objections made to a report and recommendation dealing with a

1 The Court considered Plaintiff's surreply because it was filed in compliance with the Local Civil Rules. *See* W.D. Wash. Local Civ. R. 7(g).

1 dispositive motion “by the day before the noting date.” *Id.* at (b). Nothing in Judge Donohue’s
2 report and recommendation altered this deadline. (*See* Dkt. No. 63) (“Responses to objections
3 may be filed within **fourteen (14)** days after service of objections.”) Defendants’ objections were
4 noted for June 8, 2018. (Dkt. No. 64.) Plaintiff timely filed his response to Defendants’
5 objections the day before the noting day. (Dkt. No. 65.)

6 In addition, and more importantly, Defendants were not entitled to file a reply brief in
7 this matter. *See* W.D. Wash. Local Civ. R. 72(b) (for objections made to a magistrate judge’s
8 report and recommendation “[n]o reply will be considered.”). Nothing in Judge Donohue’s report
9 and recommendation allowed Defendants to file a reply brief. (*See* Dkt. No. 63.) Defendants did
10 not cite to any of the Local Rules in support of their request for additional time to file a reply.
11 (Dkt. No. 66.) Accordingly, Defendants’ request for additional time to file a reply is DENIED.

12 Defendants shall comply with the Local Civil Rules in all future filings.

13 DATED this 13th day of June 2018.

14 William M. McCool
15 Clerk of Court

16 s/Tomas Hernandez
17 Deputy Clerk