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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

R[redacted] K[redacted],

Petitioner,

vs.

JEREMY CASEY, in his official capacity as Warden of the Imperial Regional Detention Facility; et al.,

Respondents.

Case No. 25cv1926 DMS DEB

OBJECTION TO PETITIONER'S SUPPLEMENTAL BRIEF (ECF No. 25)

Respondents object to Petitioner's Supplemental Brief, ECF No. 25. Respondents did not object to Petitioner's first unauthorized brief, ECF No. 21 (Aug. 7, 2025), because there were matters that had been discussed, and not yet briefed, during the August 6, 2025 hearing. There is no good cause, however, for yesterday's filing without leave of the Court. Neither the Federal Rules of Civil Procedure nor the Civil Local Rule 7.1 ("Motion Practice, Extensions, Enlargements or Shortening of Time, Submission of Orders") allow for sur-replies without leave of court:

> Plaintiff's Reply to Defendant City's Reply, (ECF No. 21), constitutes an improper sur-reply. The Federal Rules of Civil Procedure do not expressly permit the filing of a sur-reply, and this District's Local Rules do not permit sur-replies without leave of court. Instead, Local Rule 7-2(b) only allows for a motion, a response, and a reply. LR 7-2(b). Because sur-replies are

> discouraged, "[o]nly the most exceptional or extraordinary circumstances warrant permitting a sur-reply to be filed." *Stevens v. Prentice*, No. 2:17-cv-979, 2018 WL 3758577, at *1 (D. Nev. Aug. 8, 2018). Plaintiff did not request leave from the Court to file the sur-reply, and the Court does not find this to be an exceptional circumstance in which a sur-reply should be filed. The Court thus GRANTS the City's Motion to Strike and orders Plaintiff's sur-reply to be STRICKEN from the record.

See Mwithiga v. Pierce, 758 F. Supp. 3d 1230, 1237 (D. Nev. 2024), *appeal dismissed*, No. 25-240, 2025 WL 1119677 (9th Cir. Jan. 24, 2025).

It is commonly understood that sur-replies are a deviation from the standard briefing schedule, and the chambers rules of several judges of this district require leave of court, including the chambers rules of Chief Judge Cynthia A. Bashant. *See* Rule 1.F. ("**Sur-Replies and Notices of Supplemental Authority**. Sur-replies and notices of supplemental authority may not be filed unless leave of court has been granted. The parties must obtain leave of court by filing an ex parte request before filing any sur-replies or notices of supplemental authority.").

DATED: August 14, 2025

ADAM GORDON
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s/ Samuel W. Bettwy
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