

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Evans v. Eisen

Evans · No. 2:22-cv-0778 AC P · Decided September 3, 2025

SUMMARY

The United States District Court for the Eastern District of California strikes the plaintiff’s filing labeled “Motion to Clarify” because it consists of an unauthorized reply to an answer and improperly filed discovery materials. The court explains that replies to answers require court authorization and that discovery requests and responses generally must not be filed unless required by rule or ordered by the court.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 3, 2025
DOCKET	2:22-cv-0778 AC P
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a pro se state prisoner, filed a document titled “Motion to Clarify for the Court,” which consisted of a reply to a defendant’s answer and discovery requests and responses. The magistrate judge treated the filing as an unauthorized notice with attachments and ordered it stricken.
PRECEDENTIAL VALUE	Unpublished district court order; limited persuasive value.

TOPICS

- discovery dispute
- pleadings
- civil procedure
- summary judgment

PRACTICE AREAS

- civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

- Whether a plaintiff may file a reply to an answer without an order from the court authorizing a reply.

2. Whether discovery requests and responses may be filed with the court before they are used in the proceeding or the court orders their filing.
3. Whether the unauthorized filing and its attachments should be stricken.

HOLDINGS

1. A reply to an answer is not contemplated unless the court orders a reply; therefore, plaintiff's reply was an unauthorized filing.
2. Discovery requests and responses generally must not be filed with the court until they are used in the proceeding or the court orders filing, subject to applicable rules and court orders.
3. The notice and attachments filed at ECF No. 26 are stricken.

KEY QUOTATIONS

"Responses to answers are not contemplated by the Federal Rules of Civil Procedure unless ordered by the court." (at 2)

"Because the filing is comprised of unauthorized filings, the notice and attachments (ECF No. 26) will be stricken." (at 3)

FACTUAL BACKGROUND

Plaintiff Ernest Evans is a state prisoner proceeding without counsel. He filed a document labeled "Motion to Clarify for the Court" containing a reply to a defendant's answer and discovery requests and responses. The court found those materials were unauthorized under the Federal Rules of Civil Procedure and the applicable discovery and scheduling order.

PROCEDURAL HISTORY

Evans filed the challenged document at ECF No. 26 during the pendency of his prisoner civil-rights action. The court concluded that a reply to an answer was not authorized absent an order to reply and that discovery materials generally should not be filed with the court; it therefore struck the notice and attachments.

DISPOSITION

other

CASES CITED

- Woods v. Carey, 684 F.3d 934 (9th Cir. 2012)
- Rand v. Rowland, 154 F.3d 952, 957 (9th Cir. 1998)
- Stratton v. Buck, 697 F.3d 1004, 1008 (9th Cir. 2012)
- Albino v. Baca, 747 F.3d 1162 (9th Cir. 2014)

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