

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

XIANGYUAN ZHU,)	
)	
Plaintiff,)	
v.)	Case No. 04-2539-KHV
)	
FEDERAL HOME LOAN BANK OF)	
TOPEKA, et al.,)	
)	
Defendants.)	

ORDER

This case comes before the court on the motion (**doc. 247**) of *pro se* plaintiff, Xiangyuan Zhu, to strike the motion of defendant, Federal Home Loan Bank of Topeka, for sanctions (doc. 243). The court will not await a response by defendant, but rather will rule at this time. For the reasons set forth below, plaintiff's motion is denied.

Fed. R. Civ. P. 12(f) provides that the court may strike “from any pleading any insufficient defense or any redundant, immaterial, impertinent, or scandalous matter.”

It has been held that a Rule 12(f) motion may not be directed at motions. Rather, under the Federal Rules, motions to strike are properly directed at “pleadings” as enumerated in Rule 7(a) of the Federal Rules of Civil Procedure, including: a complaint and an answer; a reply to a counterclaim denominated as such; an answer to a cross-claim, if the answer contains a cross-claim; a third-party complaint; . . . and a third-party answer

Jones v. City of Topeka, 764 F. Supp. 1423, 1425 (D. Kan. 1991).

The court finds that a motion to strike is not proper with respect to defendant's motion for sanctions. Rather, the issues raised by plaintiff in her motion to strike should be addressed in her response to the motion for sanctions due July 25, 2006.¹

IT IS SO ORDERED.

Dated this 28th day of June, 2006 at Kansas City, Kansas.

s/ James P. O'Hara

James P. O'Hara

U.S. Magistrate Judge

¹ Doc. 249 (Order granting plaintiff's motion for extension (doc. 246) to file a response to defendant's motion for sanctions.)