

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

JANICE LYNN KING,

Plaintiff,

v.

**SHERRI KELLER, AMANDA SMITH-
WILSON, DAVID CLAASSEN-WILSON,
SUSANNA VANGELDER COXE,
STEVEN O. PHILIPS, and JOHN DOE (1)**

Defendants.

No. 07-2077-CM

MEMORANDUM AND ORDER

Plaintiff Janice Lynn King brings this *pro se* action against defendants Sherri Keller, Amanda Smith-Wilson, David Claassen-Wilson, Susanna VanGelder Coxe, Steven O. Philips, and John Doe (1). This case is before the court on plaintiff's Motion to Strike Respondent's Reply (Doc. 26). Because plaintiff's motion has no rational basis, the court denies the motion.

Plaintiff's motion asserts that "Respondent responded to the Complaint of this matter, the Petitioner replied back . . . Procedure requires the application of leave of Court for the Respondent to reply to the Petitioner's response where Respondent failed to seek leave of Court to file a surreply." Defendant Susanna VanGelder Coxe assumes that plaintiff is attempting to strike her reply (Doc. 23). This document replied to plaintiff's response, filed as "objections," to defendant Coxe's Motion to Dismiss (Doc. 17). Defendant notes that her reply was filed under D. Kan. R. 7.1(c), which provides that the "moving party may file and serve a written reply memorandum." Ironically, plaintiff filed a reply arguing that replies are not mandatory. Plaintiff's reply brief also

attempts to argue the merits of her case and repeatedly cites “*In re: Dred Scott.*”

The court has reviewed the docket entries in this case. At the time plaintiff filed the present motion, the only filing that could possibly be construed as “Respondent’s Reply” is defendant Coxe’s reply (Doc. 23). Defendant Coxe properly filed the document in question under D. Kan. R. 7.1(c). Plaintiff’s motion is denied.

IT IS THEREFORE ORDERED that plaintiff’s Motion to Strike Respondent’s Reply (Doc. 26) is denied.

Dated this 12th day of June 2007, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge