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of Transportation, Medlin, Peterson and Ramsey

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Scott M. McNair,

Plaintiff,

vs.

Maricopa County Department of
Transportation; Kenneth Medlin; Terry
Peterson; Jennipher Ramsey; State of
Arizona Personnel Board,

Defendants.

No. CIV03-2119-PHX-NVW

**RESPONSE TO PLAINTIFF'S
MOTION TO VACATE ORDER
STRIKING HIS REPLY**

The Court need not vacate its order striking Plaintiff's summary judgment reply. The reply was not in compliance with this Court's local rules, and nothing Plaintiff could have said in response would have changed that. *Pro se* parties are not excused from knowing the rules of the court, *Jacobsen v. Filler*, 790 F.2d 1362,1364-65 (9th Cir.1986). And yet the Court graciously gave Plaintiff until October 3rd to file a compliant reply. Instead, on October 3rd Plaintiff filed a pleading asking the Court for permission to file an oversized reply.

Defendants have no objection to the Court allowing Plaintiff a few more days to file a reply that complies with the local rules, if the Court so desires. But there is no justification for vacating an order striking a reply that does not comply with the rules.

RESPECTFULLY SUBMITTED this 10th day of October, 2005.

JONES, SKELTON & HOCHULI, P.L.C.

By Is/ Eileen Dennis GilBride _____
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**ORIGINAL electronically filed
this 10th day of October, 2005, with:**

Clerk of the Court
U.S. District Court of Arizona
401 West Washington Street
Phoenix, Arizona 85003

and copy delivered the same day to:

Honorable Neil V. Wake
United States District Court Judge
401 W. Washington
Phoenix, AZ 85003

and copy mailed the same day to:

Scott M. McNair

Phoenix, Arizona
Plaintiff/appellant Pro Per

**and copies electronically delivered
the same day to:**

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