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

E.Q.,

Petitioner,

v.

John Cantu, et al.,

Respondents.

Case No. 2:25-cv-02442-KML (CDB)

**RESPONDENTS' MOTION TO
STRIKE THE PETITIONER'S
SUR-REPLY TO PETITIONER'S
MOTION FOR PRELIMINARY
INJUNCTION**

1 Respondents, pursuant to L.R. 7.2 and the Court's July 29, 2025 order, ECF No.
2 13, and August 12, 2025 order, ECF No. move to strike the Petitioner's Reply to the
3 Government's Opposition to Motion For Preliminary Injunction, ECF No. 23 ("sur-
4 reply").

5 In accordance with L.R. 7.2, the "local rules for this district do not permit parties
6 to file sur-replies without the express permission of the Court." *Derry v. Chase Bank*, No.
7 CV 09-2640-PHX-SRB, 2010 WL 11519171, *2 (D. Ariz. Apr. 13, 2010) (highlighting
8 that L.R. 7.2 provides for responsive and reply pleading only in granting the Defendant's
9 Motion to strike the Plaintiff's sur-reply). In addition, on July 29, 2025, the Court issued
10 an order directing that "If the [P]etitioner wishes to . . . obtain a preliminary injunction,
11 he must file a motion seeking that relief no later than August 8, 2025." ECF No. 23 at 1.
12 The Court further ordered, that if the Respondents disagree with not removing or
13 transferring the petitioner while the motion is pending, the Respondents must file an
14 opposition by "August 11, 2025," at 10:00 a.m.," and the Petitioner "must reply no later
15 than 4:00 p.m. on August 11, 2025." *Id.* at 1-2. The Court order never permitted any party
16 to file a sur-reply.

17 Here, the Petitioner filed a motion for preliminary injunction on August 8, 2025.
18 *See* ECF No. 14. On August 11, 2025, before 10 a.m., the Respondents filed an
19 opposition to the Petitioner's motion for preliminary injunction. *See* ECF No. 15. The
20 Petitioner, then during the afternoon of August 11, 2025, filed a reply to the
21 Respondent's Opposition to his motion for preliminary injunction. ECF No. 17.
22 Accordingly, on August 12, 2025, the Court then issued an order, extending the
23 temporary restraining order for an additional fourteen-day period to provide the Court
24 with time to issue a reasoned decision on the request for preliminary injunction. *See* ECF
25 No. 18 at 1. In doing so, the Court noted that the motion for preliminary injunction "was
26 not fully briefed until late afternoon on August 11, 2025." *Id.*

Now, in circumvention of the Court's orders and the Court's local rules, Petitioner has filed a sur-reply to the Motion for Preliminary injunction without obtaining leave of court. Because the Petitioner never obtained leave of court to file a sur-reply to the Motion for Preliminary Injunction and does not have a right to, and the Court has already deemed the Motion for Preliminary Injunction fully briefed on August 12, 2025, the Court should strike the Petitioner's sur-reply. *Punchard v. United States Bureau of Land Mgmt.*, No. CV-17-00148-TUC-JGZ, 2017 WL 4681904, *1 n.1 (D. Ariz. June 26, 2017), (" Because Plaintiff does not have a right to file a sur-reply under the Local Rules or the Federal Rules of Civil Procedure and Plaintiff did not obtain leave of court to file a sur-reply, the Court will not consider the sur-reply in its review of the pending Motion and will strike Plaintiff's sur-reply from the docket."); *See also* ECF No. 18 at 1.

Dated: August 25, 2025

Respectfully Submitted,
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CERTIFICATE OF SERVICE

I hereby certify that on August 25, 2025, I served an electronic copy of the foregoing on counsel for the Petitioner via the Court's CM/ECF system.

s/ Kelark Azer Habashi

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