

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

WILLIAM H. PAYNE and  
ARTHUR R. MORALES,

Plaintiffs,

v.

No. CIV 97-266 MCA/LFG

NATIONAL SECURITY AGENCY,

Defendant,

UNITED STATES OF AMERICA,

Garnishor,

and

SANDIA LABORATORY FEDERAL CREDIT  
UNION AND ITS SUCCESSORS OR ASSIGNS  
ATTENTION: LOSS PREVENTION,

Garnishee.

**ORDER STRIKING REPLY**

THIS MATTER is before the Court on the filing of Plaintiff William H. Payne (“Payne”)’s Reply<sup>1</sup> [Doc.155] in connection with his Motion to Void and Amend Judgments [Doc. 152]. The Reply will be stricken as untimely.

Payne filed his Motion to Void and Amend Judgments on August 1, 2008. He certified that he served the Motion on the United States Attorney on July 14, 2008; however, the Motion that was mailed to this Court for filing was postmarked July 31, 2008. There is no explanation why Payne

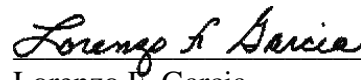
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<sup>1</sup>The Reply carries the title, “Motion to Void All Rulings in CIV 97-266 MCA/LFG For Violation of Due Process Right and/or Fraud and Reply to United States’ Response to Plaintiff Payne’s Motion to Void and Amend Judgments (Doc. 152).”

waited over two weeks to file the Motion after having served it on Defendant.

The United States's Response to the Motion was electronically filed and served on August 11, 2008. Payne's Reply was filed on September 3, 2008. The deadline for filing the Reply expired on August 28, 2008. D.N.M.LR-Civ. 7.6(a). Payne did not seek an extension of the deadline for filing his Reply, and it is thus untimely.

IT IS THEREFORE ORDERED that the Reply [Doc. 155] filed by Plaintiff Payne on September 2, 2008 is hereby stricken from the record as untimely.



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Lorenzo F. Garcia  
Chief United States Magistrate Judge