

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

Craig R. Brittain, et al.,

Plaintiffs,

v.

Doug Ducey, et al.,

Defendants.

No. CV-18-02366-PHX-GMS

ORDER

Pending before the Court is Plaintiff Craig R. Brittain's Motion for Change of Judge and Motion to Stay Pending Appeal/Cross-Appeal (Doc. 10). Plaintiff filed his Complaint (Doc. 1) on July 27, 2018 and also filed an Application for Leave to Proceed in Forma Pauperis ("IFP") (Doc. 2). On August 2, 2018, the Court granted IFP and pursuant to 28 U.S.C. § 1915(e)(2) prescreened the Complaint. Counts One and Two were dismissed with leave to amend and Count Three was dismissed with prejudice, (Doc. 7). Plaintiff was given 30 days in which to amend his complaint and find counsel to represent Plaintiff Brittain for US Senate. On August 27, Plaintiff filed a Motion for Reconsideration (Doc. 8). The Court denied the Motion (Doc. 9) and gave Plaintiff until September 11, 2018 to file his amended complaint.


Plaintiff's pending Motion for Change of Judge and Motion to Stay (Doc. 10) is based on Arizona Rules of Civil Procedure, Rule 42(f), which allows a change of judge. This rule does not pertain to Federal Rules of Court and there is no change of judge, as of right, in federal court.

1 Plaintiff has failed to timely file an amended complaint on this action. His
2 Complaint is therefore dismissed with prejudice.

3 **IT IS HEREBY ORDERED** that the Motion for Change of Judge and Motion to
4 Stay Pending Appeal/Cross-Appeal (Doc. 10) is denied.

5 **IT IS FURTHER ORDERED** directing the Clerk of Court to terminate this
6 action and enter judgment accordingly for failure to comply with the Court's Order
7 (Docs. 7, 9).

8 Dated this 26th day of September, 2018.

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11 G. Murray Snow
12 Chief United States District Judge
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