

Brian Edward Malnes  
Plaintiff

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

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JAN 20 2016	
CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
BY <u>CA</u>	DEPUTY

Brian Edward Malnes,

Plaintiff,

v.

State of Arizona,  
Michele Reagan

Defendants.

CASE NUMBER:

CV-16-08008-PCT-GMS

**COMPLAINT**

**Jurisdiction**

This court has jurisdiction over this matter pursuant to the fact the State of Arizona violated Brian Edward Malnes' (Plaintiff) 15th and 26th Amendment Rights to the U.S. Constitution. This is a violation of §§ 42 U.S. Code 1983 - Civil Action for Deprivation, which answers the Federal question as to jurisdiction. The plaintiff is a resident of Flagstaff, Coconino County, Arizona and a citizen of the United States. The defendant, State of Arizona, is a state of the United States. The defendant, Michele Reagan, Secretary of State, is a resident of Phoenix, Arizona and a citizen of the United States. The cause of action arose in the Prescott division.

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### **Complaint**

On January 19, 2016, Plaintiff attempted to register on the State of Arizona's Voter Registration webpage (<http://www.azsos.gov/elections/voting-election/register-vote-or-update-your-current-voter-information>), and could not because of A.R.S. 16-101 B, which states: "Has not been convicted of treason or a felony, unless restored to civil rights." This is a violation of the 15<sup>th</sup> and 26<sup>th</sup> Amendment's to the U.S. Constitution.

The 26<sup>th</sup> Amendment states: "The right of citizens of the United States, who are 18 years of age or older, to vote, shall not be denied or abridged by the United States or any state on account of age." This means that every citizen in the United States can vote. By denying the Plaintiff's franchise the State of Arizona, and the head of the State's elections, Secretary of State Michele Reagan (Defendants) have violated the Plaintiff's civil right to vote as determined by the U.S. Constitution.

Further, the Defendants have violated the Plaintiff's 15<sup>th</sup> Amendment right as stated in the U.S. Constitution: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude." By using A.R.S. 16-101 B, which states: "Has not been convicted of treason or a felony, unless restored to civil rights," the Defendants are violating the 15<sup>th</sup> Amendment because incarceration in this country is slavery as defined by the 13<sup>th</sup> Amendment which states: "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." The 13<sup>th</sup> Amendment clearly defines incarceration in the United States as slavery, "except as a punishment for crime..." and as such felons can be synonymously referred to as

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Plaintiff

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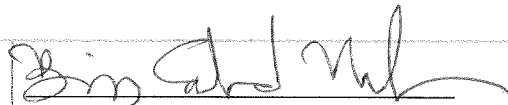
being sentenced to involuntary servitude. The 15<sup>th</sup> Amendment is clear that when the period of servitude is over the State of Arizona, or any State, cannot deny franchise to a felon who has served their term of servitude. "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

### **Demand**

I want the Court to temporarily restrain and issue an injunction to the State of Arizona from denying franchise to anyone ever convicted of a felony, as stated in A.R.S. 16-101 B.

**Damages: \$10,000,000.** The State of Arizona has violated the Plaintiff's Constitutional Rights, and that of millions of U.S. Citizens in the State of Arizona. As such, the State needs to realize a punitive punishment for this flagrant violation of Civil Rights. The Plaintiff wants a trial by jury.

Dated: January 19, 2016



**Signature of Pro Se Plaintiff**  
**Brian Edward Malnes**  
**2157 W Alaska Ave**  
**Flagstaff, Arizona 86001**  
**928-774-4580**