

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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JAN 26 2016	
CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
BY	DEPUTY

Brian Edward Malnes,

CV-16-08008-PCT-GMS

Plaintiff,

v.

State of Arizona,

Michele Reagan

COMPLAINT (AMENDED)

Defendants.

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

1 the United States. The defendant, Michele Reagan, Secretary of State, is a resident of Phoenix,
 2 Arizona and a citizen of the United States. The cause of action arose in the Prescott division.

3 4 5 6 7 **Complaint** 8

9 On January 19, 2016, Plaintiff attempted to register on the State of Arizona's Voter
 10 Registration webpage ([http://www.azsos.gov/elections/voting-election/register-vote-or-update-](http://www.azsos.gov/elections/voting-election/register-vote-or-update-your-current-voter-information)
 11 [your-current-voter-information](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 5, which states: "Has
 12 not been convicted of treason or a felony, unless restored to civil rights." This is a violation of
 13 the 15th and 26th Amendment's to the U.S. Constitution.

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

20 Further, the Defendants have violated the Plaintiff's 15th Amendment right as stated in
 21 the U.S. Constitution: "The right of citizens of the United States to vote shall not be denied or
 22 abridged by the United States or by any State on account of race, color, or previous condition of
 23 servitude." By using A.R.S. 16-101 B 5, which states: "Has not been convicted of treason or a
 24 felony, unless restored to civil rights," the Defendants are violating the 15th Amendment because
 25 incarceration in this country is slavery as defined by the 13th Amendment which states: "Neither
 26 slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have
 27 been duly convicted, shall exist within the United States, or any place subject to their
 28 jurisdiction." The 13th Amendment clearly defines incarceration in the United States as slavery,

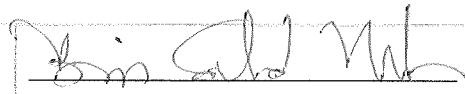
1 “except as a punishment for crime...” and as such felons can be synonymously referred to as
 2 being sentenced to involuntary servitude. The 15th Amendment is clear that when the period of
 3 servitude is over the State of Arizona, or any State, cannot deny franchise to a felon who has
 4 served their term of servitude. “The right of citizens of the United States to vote shall not be
 5 denied or abridged by the United States or by any State on account of race, color, or previous
 6 condition of servitude.”

8 Demand

9 I want the Court to temporarily restrain and issue an injunction to the State of Arizona
 10 from denying franchise to anyone ever convicted of a felony, as stated in A.R.S. 16-101 B 5.

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

21 Dated: 25 January, 2016



Signature of Pro Se Plaintiff

Brian Edward Malnes

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