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7 Attorneys for Defendants

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

12 Brian Edward Malnes,

13 Plaintiff,

14 vs.

15 State of Arizona; Michele Reagan,  
16 Defendants.

Case No: 3:16-cv-08008-GMS

**DEFENDANTS' RESPONSE TO  
PLAINTIFF'S MOTION TO STRIKE**

17 Defendants the State of Arizona and Arizona Secretary of State Michele Reagan  
18 respectfully request this Court deny Plaintiff Brian Edward Malnes' Motion to Strike to  
19 Defendants' Improper Filing [Doc #24], because Defendants' Response was timely filed.

20 Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction  
21 ("Motion") was filed with this Court on March 1, 2016. According to Rule 7.2(c), Loc.  
22 Fed. R. Civ. P., responding parties generally have at least fourteen days to respond to  
23 motions like the one filed by Plaintiff. Rule 6(d) also provides for an additional three  
24 days whenever a motion is served "under Rule 5(b)(2)(C), (D), (E), or (F)." Fed. R. Civ.  
25 P. 6(d). Plaintiff's Motion was served upon Defendants pursuant to Rule 5(b)(2)(E) on  
26 March 1, 2016. Therefore, Defendants' deadline to file their Response to Plaintiff's  
27 Motion was March 18, 2016.  
28

1 As the record shows, Defendants' Response was filed on March 17, 2016— a day  
2 before the deadline. Therefore, Plaintiff's Motion to Strike is improper and should be  
3 denied.

4 Respectfully submitted this 22nd day of March, 2016.

5 Mark Brnovich  
6 Attorney General

7 s/ Kara M. Karlson  
8 James Driscoll-MacEachron  
9 Kara M. Karlson  
10 Assistants Attorney General  
11 Attorneys for Defendants

12 I certify that I electronically transmitted the attached document to the Clerk's  
13 Office using the CM/ECF System for filing and transmittal of a Notice of Electronic  
14 Filing to the following, if CM/ECF registrants, and mailed a copy of same if non-  
15 registrants, this 22nd day of March, 2016:

16 Brian Edward Malnes  
17 2157 W. Alaska Ave.  
18 Flagstaff, AZ 86001  
19 Plaintiff pro per

20 s/ Maureen Riordan

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23  
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26 #4977988  
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