

Brian Edward Malnes
2157 West Alaska Avenue
Flagstaff, Arizona, 86001
928-774-4580

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

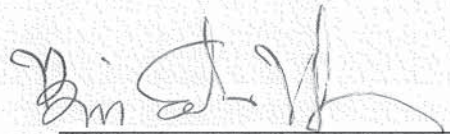
Brian Edward Malnes,)	CV-16-08008-PCT-GMS
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)	
Plaintiff <i>Pro se</i> ,)	MOTION FOR PRELIMINARY INJUNCTION
)	
vs.)	
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)	
State of Arizona, Michele Reagan)	
)	
Defendants.)	
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)	<u>ORAL ARGUMENT REQUESTED</u>

Brian Edward Malnes (Plaintiff) comes before the Court to file a "Motion for Preliminary Injunction," pursuant to Fed. R. Civ. P. 65. The Plaintiff moves that a Preliminary Injunction be issued to the State of Arizona, and Michele Reagan (Defendants) requiring them to abide by the U.S. Constitution, by removing the Un-Constitutional requirement for qualification for Federal Office found within the Arizona State Statute, A.R.S. § 16-311(A)&(B). Please see Plaintiff's Notice of Constitutional Challenge (Doc. #33), which points out that the above statute violates the "Qualification Clause," of the U.S. Constitution by adding the requirement for qualification of being a "qualified elector." As such this statute violates the U.S. Constitution and an injunction against this statute should be immediately imposed. In addition, several other statutes contained in Title 16 of the A.R.S. are thus un-Constitutional based on the same violation of the "Qualification Clause." In particular, A.R.S. 16-341 (A) states: "Any qualified elector who is not

1 a registered member of a political party that is recognized pursuant to this title may be nominated
2 as a candidate for public office otherwise than by primary election or by party committee
3 pursuant to this section.” As stated, this violates the U.S. Constitution by adding the extra
4 qualification of being a “qualified elector.” The Defendants have pointed to this un-
5 Constitutional statute in (Doc. #24) and have indicated that the deadline for petitions is June 1,
6 2016, however, the Defendant are citing a statute that violates the U.S. Constitution (A.R.S. 16-
7 311(A).

8
9 THEREFORE, the Plaintiff requests the Court to impose an injunction against the
10 statutes listed above that precludes the Plaintiff from his Civil Right to run for office in the State
11 of Arizona. Plaintiff further requests injunctive relief that allows the Plaintiff to appear on the
12 Arizona statewide ballot that is under the supervision of the Defendants, for the November 8,
13 2016 ballot as an Independent Candidate for the U.S. House of Representatives AZ-CD #1.

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18 Dated this 24th day of May 2016.

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23 Brian Edward Malnes

24 2157 W. Alaska Ave.

25 Flagstaff, AZ 86001

26 928-774-4580

27 malnes@me.com

28 Plaintiff, *Pro se*