

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> LODGE
<input type="checkbox"/> RECEIVED	<input type="checkbox"/> COPY
JUN 16 2016	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY <u>py</u>	P DEPUTY

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
)	
)	MOTION TO STRIKE
Plaintiff <i>Pro se</i> ,)	DEFENDANTS' IMPROPER FILING [Doc #40]
)	
vs.)	
)	
)	
State of Arizona, Michele Reagan)	
)	
Defendants.)	
)	
)	<u>ORAL ARGUMENT REQUESTED</u>

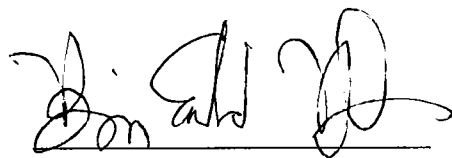
Brian Edward Malnes (Plaintiff) comes before the Court to file a "Motion to Strike Defendants' Improper Filing [Doc #40]." The Defendants have appeared before this Court to file Document 40, "Motion to Strike Memorandum in Support of Preliminary Injunction," which fails to abide Local Rule, as LRCiv 7.2(m)(2) states: "Objections to Admission of Evidence on Written Motions. An objection to (and any argument regarding) the admissibility of evidence offered in support of or opposition to a motion must be presented in the objecting party's responsive or reply memorandum and not in a separate motion to strike or other separate filing. If the underlying motion is a motion for summary judgment, an objection may be included in a party's response to another party's separate statement of material facts in lieu of (or in addition to) including it in the party's responsive memorandum, but any objection in the party's response

1 to the separate statement of material facts must be stated summarily without argument. Any
2 response to an objection must be included in the responding party's reply memorandum for the
3 underlying motion and may not be presented in a separate responsive memorandum." As such,
4 the Plaintiff requests the Court to Strike the Defendants' Document 40 because it is not allowed
5 under Local Rule.

6 In addition, it is unclear what the Defendants are referencing in their "Motion" (Doc.
7 #40), "Local Rule 7.1 (m)(1) provides that..." as Local Rule 7.1 only reaches subcategory (d),
8 which is several levels above what the Defendant's propose.

9
10 THEREFORE the Plaintiff requests the Court to strike the Defendants' improper filing
11 Documents 40 as it fails to conform to the Local Rule: LRCiv 7.2(m)(2) regarding the objections
12 to evidence in written motions. As always the Plaintiff requests oral arguments.

13
14
15
16
17
18 Dated this 15th day of June 2016.

19
20
21 

22 Brian Edward Malnes

23 2157 W. Alaska Ave.

24 Flagstaff, AZ 86001

25 928-774-4580

26 malnes@me.com

27 Plaintiff, *Pro se*