

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

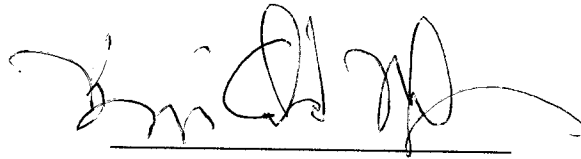
IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Brian Edward Malnes,	)	<b>CV-16-08008-PCT-GMS</b>
	)	
Plaintiff <i>Pro se</i> ,	)	
	)	<b>MOTION TO STRIKE</b>
vs.	)	<b>DEFENDANTS' NOTICE OF ERRATA</b>
	)	
State of Arizona, Michele Reagan	)	
	)	
Defendants.	)	
	)	
	)	

Brian Edward Malnes (Plaintiff) comes before the Court to file a “Motion to Strike Defendants,’ ‘Notice of Errata’ (Doc. #45)” pursuant to Local Rule 7.2, which provides for only a responsive memorandum (Doc. # 37) and a reply memorandum (Doc. #43) to Plaintiff’s “Motion for Preliminary Injunction” (Doc. #35). However, the Defendants are providing a Sur-Reply in the guise of a Notice of Errata. By not amending, or correcting the incorrect information provided in (Doc. #35), and instead providing additional evidence, and opinion by Eric Spencer in the “Second Declaration of Eric Spencer,” in essence the Defendants are providing a Sur-Reply. This violates Local Rule and only allows the Defendants and opportunity to obfuscate the

1 perjury clearly committed by Eric Spencer in in "First," declaration that was also stated under  
2 oath. The Plaintiff has requested the opportunity to depose Eric Spencer who has testified, under  
3 oath, to two conflicting realities. As the Defendant's have used their "Notice" (Doc. #45) as a  
4 Sur-Reply the Plaintiff asks the Court to Strike Document #45 as it violates Local Rule.  
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7 Dated this 29<sup>th</sup> day of June 2016.  
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13 Brian Edward Malnes

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18 Plaintiff, *Pro se*  
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