

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

MATHEW W. SHREEVE,
Plaintiff/Appellant,

v.

DOUGLAS A. DUCEY, GOVERNOR OF THE STATE OF ARIZONA;
HESTON SILBERT, DIRECTOR OF THE ARIZONA DEPARTMENT OF PUBLIC SAFETY;
AND ANDREW M. TOBIN, DIRECTOR OF THE ARIZONA DEPARTMENT OF
ADMINISTRATION,
Defendants/Appellees.

No. 2 CA-CV 2021-0014
Filed August 20, 2021

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
NOT FOR PUBLICATION
See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Civ. App. P. 28(a)(1), (f).

Appeal from the Superior Court in Pinal County
No. S1100CV202001305
The Honorable Stephen F. McCarville, Judge

AFFIRMED

COUNSEL

Mathew W. Shreeve, Casa Grande
In Propria Persona

Mark Brnovich, Arizona Attorney General
By Lindsey Gilman, Assistant Attorney General, Phoenix
Counsel for Defendants/Appellees

MEMORANDUM DECISION

Chief Judge Vásquez authored the decision of the Court, in which Presiding Judge Eppich and Judge Brearcliffe concurred.

V Á S Q U E Z, Chief Judge:

¶1 In this negligence action, Mathew Shreeve appeals from the trial court’s dismissal of his complaint with prejudice. For the following reasons, we affirm.

Factual and Procedural Background

¶2 In reviewing a trial court’s grant of a motion to dismiss, “we accept as true all facts asserted in the complaint.” *Harris v. Cochise Health Sys.*, 215 Ariz. 344, ¶ 2 (App. 2007). In 2000, Shreeve was charged with a felony, and in 2001 pled guilty to a misdemeanor, and timely completed all requirements under the plea agreement.

¶3 In 2006, Shreeve applied for a job with the Casa Grande Elementary School District, which required a background check. Believing his 2001 conviction was classified as a misdemeanor, he denied having any felony convictions. Because the background check indicated Shreeve had a felony conviction, the school district denied him the job.

¶4 In 2008, the trial court granted Shreeve’s petition to restore his civil rights, including the right to possess a firearm, and vacated his conviction. After a failed attempt to purchase a firearm in 2011 due to the felony again appearing on his background check, Shreeve contacted the Federal Bureau of Investigation to “gain his rights to purchase and own a firearm.”

¶5 Shreeve then successfully received his Concealed Carry Weapons Permit in 2015 and believed the Arizona Department of Public Safety (DPS) had corrected his record. However, in 2019 Shreeve’s application for a security guard registration certificate from DPS was denied because his background check still showed that he had a felony conviction. In response, Shreeve wrote letters to his United States senators to “finally correct the situation of his conviction.” He also filed a Notice of Claim against the State of Arizona in December 2019 claiming his “record has not been corrected in 18 years,” which the Arizona Department of

SHREEVE v. DUCEY
Decision of the Court

Administration (ADOA) denied because the 180-day statute of limitations to file a claim had expired. Shreeve's complaints were ultimately investigated at the request of Governor Ducey, and he received confirmation in January 2020 that DPS had corrected his record.

¶6 In July 2020, Shreeve filed an action in federal court against Governor Ducey, ADOA Director Andrew Tobin, and former DPS Director Frank Milstead (collectively, "Defendants") pursuant to 42 U.S.C. § 1983, the Federal Tort Claims Act, and "Arizona's Tort Claim Act." The district court dismissed the action without leave to amend for failure to state a claim.

¶7 In September 2020, Shreeve filed this civil action in the Pinal County Superior Court against the same Defendants. He later filed an Amended Complaint to reflect the current DPS director, Heston Silbert. The Defendants filed a motion to dismiss, which the trial court granted with prejudice. This appeal followed.

Discussion

¶8 In this appeal, Shreeve challenges the trial court's dismissal of his Amended Complaint, arguing that he complied with the requirements of A.R.S. § 12-821 and is entitled to a jury trial. We have jurisdiction pursuant to A.R.S. § 12-2101(A)(1).¹

¶9 We do not reach the merits of his argument because there are numerous deficiencies in his opening brief. Even though he is a self-represented litigant, Shreeve is held to the same standards as an attorney. *See Flynn v. Campbell*, 243 Ariz. 76, ¶ 24 (2017).

¶10 Shreeve states his opening brief was filed pursuant to Rule 13, Ariz. R. Civ. App. P., but it does not meet the requirements set forth in that rule. It does not include a table of contents, Ariz. R. Civ. App. P. 13(a)(1), or a table of citations, Ariz. R. Civ. App. P. 13(a)(2). Shreeve also fails to support his arguments with "citations of legal authorities and appropriate

¹ Shreeve's opening brief fails to address whether we have jurisdiction over this appeal, but we have an independent obligation to examine our jurisdiction. *See Robinson v. Kay*, 225 Ariz. 191, ¶ 4 (App. 2010). Because Shreeve filed his notice of appeal after the trial court granted the motion to dismiss in an unsigned minute entry but before the entry of formal judgment, it was premature. Thus, his appeal became effective on the date of the signed judgment. *See Ariz. R. Civ. App. P. 9(c)*.

SHREEVE v. DUCEY
Decision of the Court

references to the portions of the record on which [he] relies.” Ariz. R. Civ. App. P. 13(a)(7). He has therefore waived appellate review. *See Sholes v. Fernando*, 228 Ariz. 455, n.5 (App. 2011) (waiving arguments that were “unsupported with citation to authority or the record”); *Polanco v. Indus. Comm’n*, 214 Ariz. 489, n.2 (App. 2007) (same).

Disposition

¶11 For the foregoing reasons, we affirm the trial court’s dismissal with prejudice of Shreeve’s Amended Complaint.