

1 **WO**

2

3

4

5

6

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

7

8

9

George Abarah,

)

No. CV-10-1539-PHX-DGC

10

Plaintiff,

)

ORDER

11

vs.

)

12

City of Scottsdale Police Department;
and Maricopa County Sheriff's Office,

)

13

Defendants.

)

14

15

On October 26, 2010, the Court entered an order scheduling a Rule 16 case management conference for December 2, 2010. Doc. 21. The order directed the parties to prepare a joint case management report. On November 24, 2010, the Court received a handwritten note from Plaintiff George Abarah. Docs. 23, 24. The note explained that Mr. Abarah was incarcerated on October 25, 2010, and remains incarcerated at the Lower Buckeye Jail. The notice requests that correspondence be mailed to Plaintiff at that address, and also asks the Court to "assign a federal prosecutor to the case as there are deliberate attempts to obstruct and interfere with the plaintiff's cause." *Id.*

23

Plaintiff failed to appear at the case management conference on December 2, 2010. Counsel for Defendant Scottsdale Police Department appeared at the hearing, as did counsel for the Maricopa County Sheriff's Office. The Court concludes from Plaintiff's non-appearance that he remains incarcerated.

27

IT IS ORDERED:

28

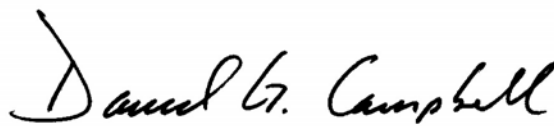
1. On or before **December 30, 2010**, Plaintiff shall file with the Court a

1 memorandum stating whether he intends to continue with the prosecution of this case.
2 Although Plaintiff is incarcerated, he will have the obligation of any plaintiff in a civil action
3 and will be required to adhere to the Court's schedule and otherwise pursue his rights
4 diligently. Plaintiff shall also inform the Court of the expected length of his incarceration.

5 2. The Court previously entered an Order dismissing Defendant Maricopa County
6 Sheriff's Office for lack of jurisdiction. Doc. 19. The Court gave Plaintiff until November
7 12, 2010 to file an amended complaint. On October 25, 2010, Plaintiff filed a document
8 titled "Response." The response attaches a document describing wrongful actions allegedly
9 taken against Plaintiff while in the custody of the Maricopa County Sheriff's Office, but
10 makes no attempt to correct the jurisdictional defects identified in the Court's previous order.
11 Doc. 19. *See* Doc. 20. As a result, Plaintiff has failed to cure the jurisdictional defects in his
12 original complaint and Defendant Maricopa County Sheriff's Office, a non-jural entity, is not
13 a Defendant in this case. The Court will not treat Plaintiff's "Response" as an amended
14 complaint, but instead will treat the original complaint (Doc. 1) as the operative complaint
15 in this action, with Defendant Maricopa County Sheriff's Office having been dismissed.

16 3. Plaintiff's notice asks the Court to appoint a federal prosecutor to this case.
17 The Court has no authority to do so. This is a civil action. Plaintiff has brought the civil
18 action and must prosecute it. Plaintiff's request to appoint a federal prosecutor to this case
19 is **denied**.

20 DATED this 9th day of December, 2010.

21
22
23
24
25
26
27
28


David G. Campbell
United States District Judge