

1 **WO**

2

3

4

5

6

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

7

8

9

Jeff Nelson,

No. CV-10-2443-PHX-FJM

10

Plaintiff,

**ORDER**

11

vs.

12

Judge Gerald A. Williams, et al.,

13

Defendants.

14

15

16

17

We have before us defendants Maricopa County Board of Supervisors, Fulton Brock, Andrew Kunasek, Don Stapley, Mary Rose Wilcox, and Max Wilson’s motion to dismiss (doc. 17) and defendants Terry Goddard and the State of Arizona’s motion to dismiss (doc. 19). Plaintiff did not respond to these motions, and the time for doing so has expired. Plaintiff asserts several claims arising out of the reassignment of his criminal case from the Wickenburg Municipal Court to the Maricopa County Justice Court in North Valley.

23

The Maricopa County Board of Supervisors and the members of the Board move to dismiss on the following grounds: (1) the Board is a non-jural entity that cannot be sued; (2) defendants cannot be held vicariously liable for a County employee’s actions; (3) defendant Justice of the Peace Williams is immune from suit; and (4) reassignment of plaintiff’s criminal case was appropriate. The State of Arizona and Terry Goddard move to dismiss because (1) the State is immune; and (2) plaintiff failed to file a written statement of his

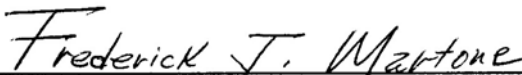
28

1 claim within 180 days, in accordance with A.R.S. § 12-821.01(A).

2 Plaintiff's response to defendants' motions to dismiss was due on January 21, 2011.  
3 Over a month later, no response has been filed. If an unrepresented party "does not serve and  
4 file the required answering memoranda . . . such non-compliance may be deemed a consent  
5 to the denial or granting of the motion and the Court may dispose of the motion summarily."  
6 LRCiv 7.2(i). Failure to respond is deemed consent to the granting of the motion.

7 Therefore, **IT IS ORDERED GRANTING** defendants' motions to dismiss with  
8 prejudice (docs. 17 & 19). **IT IS FURTHER ORDERED DISMISSING** defendants  
9 Maricopa County Board of Supervisors, Fulton Brock, Andrew Kunasek, Don Stapley, Mary  
10 Rose Wilcox, Max Wilson, State of Arizona, and Terry Goddard.

11 DATED this 28<sup>th</sup> day of February, 2011.

12  
13   
14 \_\_\_\_\_  
15 Frederick J. Martone  
16 United States District Judge  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28