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

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John Allen Baker,

No. CV 11-1411-PHX-RCB (MEA)

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Plaintiff,

ORDER

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vs.

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Arizona State Attorney General, et al.,

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Defendants.

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Plaintiff John Allen Baker brought this civil rights action under 42 U.S.C. § 1983 against City of Phoenix Police Officer Philips (Doc. 5). Before the Court is Defendant’s Motion to Dismiss Count III for failure to comply with Ariz. Rev. Stat. § 12-821.01, to which Plaintiff did not respond (Doc. 12). The Court will grant the motion and dismiss Count III.

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I. Background and Motion

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In August 2011, Plaintiff filed his First Amended Complaint contending that Defendant violated Plaintiff’s Fourth Amendment rights (Count I) and his rights under the Arizona Constitution (Count III) based upon Defendant’s warrantless and suspicionless search of Plaintiff’s car. Defendant now moves to dismiss Plaintiff’s state law claim because Plaintiff failed to file a notice of claim required under Ariz. Rev. Stat. § 12-821.01 (Doc. 12).

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II. Analysis

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Arizona Revised Statute § 12-821.01(A) states the following:

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Persons who have claims against a public entity or a public employee shall file claims with the person or persons authorized to accept service for the public entity or public employee as set

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