

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

WO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

John W. Batchan,
Plaintiff,

vs.

City of Glendale; Westgate Property LLC;
Coyotes Newco LLC; Arena Newco LLC;
David Burke; Sam Cornejo; Unknown
Hawkins,
Defendants.

) CV 12-00038-PHX-FJM

) **ORDER**

The court has before it plaintiff’s motion for oral argument and notice of intention to file amended complaint in lieu of response to defendant’s answer to plaintiff’s complaint and first amended complaint (doc. 22), defendants Coyotes Newco, LLC and Arena Newco, LLC's response (doc. 23), and plaintiff's reply (doc. 24).

Plaintiff is self employed as a ticket reseller. He filed this action in the Superior Court of Arizona in Maricopa County in December 2011, alleging that defendants committed various torts and discriminated against him on the basis of race by banning him from the Jobing.com Arena. He amended his complaint on December 16, 2011. Defendants removed this action in January 2012 (doc. 1). Since then, plaintiff has filed a number of documents. This includes a “motion agreement [sic] with opposing party on transfer case to district court,” (doc. 12), a “response to adverse party of removal to federal court (all defendants allow discriminatory practices by their employees towards African American entrepreneurs),” (doc. 13), a “notice of pending motion” to submit a response to plaintiff’s

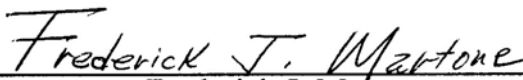
1 requests for admission and amended complaint, (doc. 16), and a notice that “defendants
2 refuse to respond to pleadings (defendant sending invitations to plaintiff allowing plaintiff
3 [sic] to come on Arena Newco, LLC property [sic] also Coyote Newco, LLC inviting me to
4 buy tickets threw [sic] their box. Defendants are in violation of harassing plaintiff) trying
5 once again to trick me on to [sic] property so I can get arrested with discriminatory
6 invitation” (doc. 20). Most recently, plaintiff a notice titled “plaintiff response to unfair
7 arrangements for a Rule 26(f) meeting/conference” (doc. 25), where plaintiff complains that
8 defendant wants to rush ahead with an “unfair” phone conference. These types of filings are
9 not authorized by the Federal Rules of Civil Procedure.

10 In the instant motion, plaintiff complains that defendants have not answered his
11 amended complaint and asks the court to “witness” certain exhibits which purportedly
12 establish defendants’ harassment of plaintiff. It is unclear exactly what plaintiff is asking the
13 court to do. To the extent that plaintiff moves to amend his complaint, he has not complied
14 with Rule 15, Fed. R. Civ. P. and LRCiv 15.1.

15 A review of plaintiff’s amended complaint and his latest filings suggests that plaintiff
16 would benefit from a lawyer. If he does not have one, he may wish to contact the Lawyer
17 Referral Service of the Maricopa County Bar Association at 602-257-4434. Regardless of
18 whether plaintiff litigates this action *pro se* or represented by counsel, we remind him that
19 he must comply with all federal and local rules of civil procedure. See Ghazali v. Moran, 46
20 F.3d 52, 54 (9th Cir. 1995). Plaintiff is especially directed to Rule 11, Fed. R. Civ. P., which
21 governs all pleadings, motions, and other papers filed with this court.

22 **IT IS ORDERED DENYING** plaintiff’s motion for oral argument and notice of
23 intention to file amended complaint in lieu of response to defendant’s answer to plaintiff’s
24 complaint and first amended complaint (doc. 22).

25 DATED this 15th day of February, 2012.

26
27 
28 _____
Frederick J. Martone
United States District Judge