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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Robert William Dutcher,  
10 Plaintiff,

11 v.

12 Charles L Ryan, et al.,  
13 Defendants.  
14

No. CV-15-01079-PHX-ROS (ESW)

**ORDER**

15  
16 The Court has considered Plaintiff's "Motion to Strike Answer Filed for RNS  
17 Shields" (Doc. 156) and "Defendants' Response in Opposition to Plaintiff's 'Motion to  
18 Strke Answer Filed For RNS Shields" [Doc. 156]" (Doc. 158). Plaintiff requests that the  
19 Court strike Defendant Shields Answer (Doc. 48) to his Second Amended Complaint  
20 (Doc. 40) on the basis of the Court's purported lack of personal jurisdiction over  
21 Defendant Shields. Plaintiff concludes that Defendant Shields' Answer must be stricken  
22 because (i) her Declaration (Doc. 137-1 at 2-9) does not address all allegations set forth  
23 in the Second Amended Complaint and (ii) Plaintiff does not have a waiver of service as  
24 to Defendant Shields.

25 A Waiver of the Service of Summons as to Defendant Shields was filed on August  
26 4, 2016 (Doc. 45 at 2). Defense counsel accepted service of process for Defendant  
27 Shields. In addition, Defendant Shields does not contest in her Answer that she was  
28 "employed as a Registered Nurse Supervisor for Corizon at the ASPC-Eyman facility,"

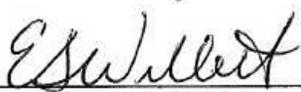
1 nor does she allege a lack of personal jurisdiction in a responsive motion or her Answer  
2 (Doc. 48 ). Plaintiff himself alleges in his Second Amended Complaint that the Court has  
3 jurisdiction to hear his claims against Defendant Shields (Doc. 40 at 1, 15, 16-18, 26).  
4 Finally, simply noting that Defendant Shields' Declaration is factually deficient is not a  
5 ground for the Court to strike Defendant Shields' Answer.

6 "The court may strike from a pleading an insufficient defense or any redundant,  
7 immaterial, impertinent, or scandalous matter. The court may act . . . on motion made by  
8 a party either before responding to the pleading or, if a response is not allowed, within 21  
9 days after being served with the pleading." Fed. R. Civ. P. 12(f) (2). Plaintiff's Motion  
10 (Doc. 156) was filed more than one year after the filing of Defendant Shield's Answer.  
11 Defendant Shields' Answer is not insufficient, nor does it contain redundant, immaterial,  
12 impertinent or scandalous matters. Because Plaintiff's Motion is untimely and lacks a  
13 meritorious basis, the Motion (Doc. 156) will be denied.

14 Based on the foregoing,

15 **IT IS ORDERED** denying Plaintiff's Motion to Strike Answer Filed for RNS  
16 Shields (Doc. 156).

17 Dated this 13th day of February, 2018.

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20 Eileen S. Willett  
21 United States Magistrate Judge  
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