

1 WO
2
3
4
5

6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 Eric Shane Silveira,

10 Plaintiff,

11 v.

12 Jerry Brown, et al.,

13 Defendants.
14

No. CV-15-1452-PHX-GMS (DKD)

ORDER

15 Pending before the Court are several motions.

16 Based on the resolution of pending discovery issues during the Court's Telephonic
17 Status Conferences, the Court will deny further relief for Plaintiff's Motion to Compel
18 (Doc. 48), Defendants' Motion to Strike (Doc. 54), Plaintiff's Motion for Subpoenas
19 Duces Tecum (Doc. 56), and Plaintiff's Motion for Nunc Pro Tunc filing (Doc. 63).

20 The Court will deny Plaintiff's Motion to Amend (Doc. 101) because it seeks to
21 reassert the same claims that were dismissed in the screening order without additional
22 development.

23 The Court will deny both of Plaintiff's motions for sanctions against the California
24 State Prison. (Docs. 113 and 125) This Court has no jurisdiction over the California
25 State Prison. Accordingly, the Court will also deny Defendants' related motion to strike
26 as moot (Doc. 123) and will also deny Plaintiff's request to file a reply (Doc. 128).

27 The Court will deny as moot Plaintiff's request for a telephonic hearing because
28 the Court has already conducted several such hearings. (Doc. 140)

1 Defendants Giunta and LeClair moved to dismiss because they were not properly
2 served and further alleging that the Court did not have personal jurisdiction over them.
3 (Doc. 138) Subsequently, counsel for Defendants informed the Court that he has the
4 authority to accept service on their behalf. (Doc. 147) At the same time, Defendants
5 “expressly reserve[d] their right to assert any and all defenses available in this matter,
6 including lack of personal jurisdiction as set forth in their Motion to Dismiss.” (*Id.*) The
7 Court understands that Defendants did not intend to pursue their Motion to Dismiss for
8 lack of personal jurisdiction at this time and were merely reserving the right to reassert
9 this claim at a later point. Accordingly, the Court will construe this Motion to Dismiss as
10 withdrawn without prejudice to reasserting it at a later date.

11 **IT IS THEREFORE ORDERED** denying Plaintiff’s Motion to Compel (Doc.
12 48), Defendants’ Motion to Strike (Doc. 54), Plaintiff’s Motion for Subpoenas Duces
13 Tecum (Doc. 56), and Plaintiff’s Motion for Nunc Pro Tunc filing (Doc. 63).

14 **IT IS FURTHER ORDERED** denying Plaintiff’s Motion to Amend (Doc. 101).

15 **IT IS FURTHER ORDERED** denying Plaintiff’s Motion for Sanctions (Doc.
16 113), Defendants’ Motion to Strike (Doc. 123), Plaintiff’s Second Motion for Sanctions
17 (Doc. 125), and Plaintiff’s Motion for Leave to File a Reply (Doc. 128).

18 **IT IS FURTHER ORDERED** denying as moot Plaintiff’s Motion for the Court
19 to Set Up a Telephonic Hearing (Doc. 140).

20 **IT IS FURTHER ORDERED** that Defendants’ Motion to Dismiss is deemed
21 withdrawn without prejudice (Doc. 138).

22 Dated this 29th day of September, 2017.

23
24
25 

26 _____
27 David K. Duncan
28 United States Magistrate Judge