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

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Amanda F Miller,

No. CV-16-00140-TUC-JGZ (EJM)

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Plaintiff,

ORDER

11

v.

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Maritza Galaz, et al.,

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Defendants.

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Pending before the Court is a Report and Recommendation issued by United States Magistrate Judge Eric J. Markovich that recommends: granting Defendants' Motion to Dismiss Plaintiff's Amended Complaint and dismiss Defendant Tucson Police Department as a party to this action (Doc. 17); granting Plaintiff's Motion for Permission to Correct Form of Pleading Complaint (Doc. 26); granting Defendant's Motions to Strike (Docs. 31 and 33); denying Defendant's Motion to Strike (Doc. 46); striking documents 28, 32, 39, 40, 41, 42, 43, 47, and 48 from the record; denying Plaintiff's Motion for Partial Summary Judgment (Doc. 36); denying Plaintiff's Motion for Permission to Serve Supplementary Pleading and Questionnaire/Opposition to Defendant's Motions to Strike (Doc. 34); granting Plaintiff's Motion to File under Seal (Doc. 44); and denying Plaintiff's Motion for Leave to File Notice of Removal. (Doc. 50.)

A review of the record reflects that the parties have not filed any objections to the Report and Recommendation and the time to file objections has expired. As such, the

1 Court will not consider any objections or new evidence. The Court has reviewed the
2 record and concludes that Magistrate Judge Markovich's recommendations are not
3 clearly erroneous. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72; *Johnson v. Zema*
4 *Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999); see also *Conley v. Crabtree*, 14
5 F.Supp.2d 1203, 1204 (D. Or. 1998).

6 Also pending before the Court is a Motion for Leave to File a Second Amended
7 Complaint filed by Plaintiff on October 6, 2016. (Doc. 52.) Because the Court adopts
8 the Magistrate's recommendation with respect to Plaintiff's Motion for Permission to
9 Correct Form of Pleading Complaint (Doc. 26) and grants Plaintiff leave to file a second
10 amended complaint, the Court will deny Plaintiff's October 6, 2016 Motion for Leave to
11 File a Second Amended Complaint (Doc. 52) as moot.

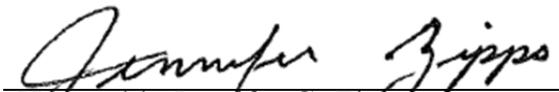
12 Accordingly, IT IS HEREBY ORDERED as follows:

- 13 1. Magistrate Judge Markovich's Report and Recommendation (Doc. 51) is accepted
14 and adopted;
- 15 2. Defendants' Motion to Dismiss Plaintiff's Amended Complaint and dismiss
16 Defendant Tucson Police Department as a party to this action (Doc. 17) is
17 GRANTED;
- 18 3. Plaintiff's Motion for Permission to Correct Form of Pleading Complaint (Doc.
19 26) is GRANTED. Within fourteen days of the date this Order is filed, Plaintiff
20 may file a Second Amended Complaint. The Second Amended Complaint must
21 be clearly designated as "Second Amended Complaint" on the face of the
22 document. The Second Amended Complaint must state (1) the factual basis for all
23 of Plaintiff's claims, (2) allege each legal claim as a separate count, (3) name the
24 defendants liable for each count, (3) identify the injury flowing from each count,
25 and (4) identify the remedy sought for each count. The Amended Complaint must
26 be retyped or rewritten in its entirety and may not incorporate any part of the
27 original complaint by reference. LRCiv 7.1(d).¹

28 ¹ The Court notes that the Magistrate Judge previously provided Plaintiff with

- 1 4. Defendant's Motions to Strike (Docs. 31 and 33) are GRANTED;
2 5. Defendant's Motion to Strike (Doc. 46) is DENIED;
3 6. Documents 28, 32, 39, 40, 41, 42, 43, 47, and 48 are STRICKEN from the record;
4 7. Plaintiff's Motion for Partial Summary Judgment (Doc. 36) is DENIED;
5 8. Plaintiff's Motion for Permission to Serve Supplementary Pleading and
6 Questionnaire/Opposition to Defendant's Motions to Strike (Doc. 34) is DENIED;
7 9. Plaintiff's Motion to File under Seal (Doc. 44) is GRANTED. The Clerk of the
8 Court shall FILE UNDER SEAL the records currently lodged at Doc. 45;
9 10. Plaintiff's Motion for Leave to File Notice of Removal. (Doc. 50) is DENIED; and
10 11. Plaintiff's October 6, 2016 Motion for Leave to File a Second Amended
11 Complaint (Doc. 52) is DENIED AS MOOT.

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13 Dated this 20th day of October, 2016.

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16 Honorable Jennifer G. Zippo
17 United States District Judge
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27 copies of the Court's pamphlet, "Filing a Complaint On Your Own Behalf." (Doc. 13.)
28 The Court also notes that Plaintiff may be eligible for legal assistance from a legal
service provider in her area, such as the City Bar Justice Center. See
<http://www.citybarjusticecenter.org/>