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6 *Counsel for Defendant City of Prescott*

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

10 Eli Dalton-Webb,

11 Plaintiff,

12 v.

13 City of Prescott, a municipal corporation
14 in Arizona; Officer Caron; Officer
15 Truillo; Sgt. Gerlack; Lt. Novak; Officer
16 Brambila; Chief Bonney, peace officers
17 of the Prescott Police Department; John
Does I-X; Jane Does I-X; ABC
18 corporations I-X; and Unknown Entities
19 I-X,

20 Defendants.

Case No.

[Yavapai County Superior Court
Case No. S1300CV202500445]

**NOTICE OF REMOVAL OF ACTION
FROM STATE COURT**

21
22 **TO THE CLERK OF COURT:**

23 PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§1331, 1343, 1441, and 1446
24 and U.S. District Court Local Rule 3.6, Defendant City of Prescott (the “Defendant”), by
25 and through counsel undersigned, hereby notices the removal of the above-captioned case
26 from the Arizona Superior Court, County of Mohave, to this Court and in support thereof
27 respectfully show:

28 //

1 Plaintiff filed his Initial Complaint in the state court action on or about April 21,
2 2025 (the “Complaint”). The Summons and Complaint were served on the City on May 7,
3 2025. Upon information and belief, no other named Defendant has been properly served
4 with the Complaint and, therefore, the City’s removal is sought by the only properly served
5 Defendant named in the Complaint.

6 1. This Notice of Removal is being filed within the thirty days after service of
7 the Complaint, which states federal claims in the underlying state court action and is timely
8 filed under 28 U.S.C. §1446(b).

9 2. Upon information and belief, Plaintiff is a resident of the State of Arizona.

10 3. A copy of this Notice has been filed with the Clerk of the Superior Court in
11 and for Yavapai County.

12 4. This is a civil action in which Plaintiffs allege constitutional causes of action
13 pursuant to 42 U.S.C. §1983; Fourth and Ninth Amendments violations (*See* Complaint at
14 p. 5, ¶ 21; p. 5, ftnt. 1 (Fourth Amendment cites); p. 22, ftnt. p. 22, ¶ 78, p. 26, ¶ 97, p. 26,
15 ftnt. 6 (Ninth Amendment cites)).¹

16 WHEREFORE, Defendant requests the above-entitled action now pending in the
17 Superior Court of the State of Arizona, in and for the County of Yavapai, be removed to

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23 ¹ Plaintiff’s Complaint, at various times, alleges he is not making a “direct” federal
24 claim, but simultaneously alleges Fourth and Ninth Amendment violations through the
25 application of the Arizona Constitution, Article 2, § 3. The cited provision of the Arizona
26 Constitution, however, merely declares the supremacy of the U.S. Constitution and allows
27 the passage of laws consistent with the U.S. Constitution. Art. 2, § 3 does not confer any
28 separate, substantive rights upon Arizona citizens. Accordingly, the *pro se* Complaint,
liberally construed, alleges Fourth and Ninth Amendment claims either directly, or through
some indirect legal analysis. In any event, the matter is properly removed based on the
Complaint’s allegations of Fourth and Ninth Amendment violations.

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this Court and that all further proceedings in this action be conducted in this Court as provided by law, and as a Phoenix Precinct matter pursuant to LRCiv. 77.1.

DATED this 29th day of May, 2025.

JELLISON LAW OFFICES, PLLC

/s/ James M. Jellison
James M. Jellison, Esq.
Counsel Defendant City of Prescott

CERTIFICATE OF FILING AND SERVICE

1
2 I hereby certify that on May 29, 2025, I electronically transmitted the attached
3 document to the Clerk's Office using the CM/ECF System for filing with service on the
4 following registrants, or by mail if not a registrant:

5
6 Eli Dalton-Webb
7 5009 E. Ironwood Circle
8 Sierra Vista, Arizona 85650
9 E: dw4az@proton.me
10 *Plaintiff pro se*

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By: /s/ Rebecca L. Craft