

Eli Dalton-Webb
5009 E. Ironwood Circle
Sierra Vista, Arizona 85650
email: dw4az@proton.me
Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF COCHISE

Eli Dalton-Webb, Plaintiff v. CITY OF SIERRA VISTA, a municipal corporation in Arizona, OFFICER E. SLUSSER, OFFICER R. HERTMAN, OFFICER S. McHUNTTING, OFFICER M. PARTIDGE, peace officers of the Sierra Vista Police Department, Defendants	Case No. CV202400628 Assigned to: Hon. David Thorn Civil Rights Violations; Article 2 § 5 of the Arizona Constitution, etc. RE: Motion To Compel Court Clerk
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MOTION TO COMPEL COURT CLERK

1. Eli Dalton-Webb submitted an application for a fee waiver on 7 November 2024 via TurboCourt. (AZTurboCourt Form Set #10568095, AOC Submission ID #4292528)
2. Such application used this Court's standard application form, and Mr. Dalton-Webb included an order proposal in his submission.
3. The court clerk rejected this filing.

1 4. Article 2, Section 11 of the Arizona Constitution States: “ Justice in all cases
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3 shall be administered openly, and without unnecessary delay.”, which the court clerk
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5 and the judges of this Court have sworn an oath to uphold.
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7 5. Eli Dalton-Webb has a financial hardship coming to the court clerk’s office.
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9 6. Rejecting this submission will cause a delay in the filing.
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11 7. The Court Clerk must justify why delaying this filing is an absolutely
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13 “[]necessary delay” for the administration of justice, as required by Article 2, Section
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15 11 of the Arizona Constitution. Are any parties unjustly prejudiced by accepting the
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17 filing?
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19 8. Eli Dalton-Webb hereby requests this Court to compel the Court Clerk to
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21 accept the application.
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24 9. Eli Dalton-Webb hereby requests that the Presiding Judge of this Court to
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26 repeal or amend Local Rule 29, considering Pro Per litigants, and considering that
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28 this rule causes unnecessary delays in the filings.
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30 10. Plaintiff hereby attaches the fee waiver as Exhibit A, and it consists of 9
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32 pages.
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SIGNATURE

Submitted respectfully,

Dated this 8th day of November, 2024.



Eli Dalton-Webb

Exhibit

A

Person Filing: Eli Dalton-Webb
Address (if not protected): 5009 E. Ironwood Circle
City, State, Zip Code: Sierra Vista, Arizona, 85650
Telephone: _____
Email Address: dw4az@proton.me
Representing ☐ Self or ☐ Lawyer for _____
Lawyer's Bar Number: _____

For Clerk's Use Only

**SUPERIOR COURT OF ARIZONA
IN COCHISE COUNTY**

Eli Dalton-Webb

Name of Petitioner/Plaintiff

-vs-

City of Sierra Vista, et al.

Name of Respondent/Defendant

Case Number: CV202400628

**APPLICATION FOR DEFERRAL OR
WAIVER OF COURT FEES OR
COSTS AND CONSENT TO ENTRY
OF JUDGMENT**

NOTICE

- A **Fee Deferral** is only a temporary postponement of the payment of the fees due. You may be required to make payments depending on your income.
- A **Fee Waiver** is usually permanent unless your financial circumstances change during the course of this court action.
- You must attach the **required proof** when filing your Application. If you do not attach the required proof, you **must** complete the financial questionnaire in section 3.
- In the Application, "I" and "you" refer to either the "Applicant" (in all case types, except for probate) or the "Estate/Ward/Protected Person" (in probate cases).

1. I cannot pay the following fees and costs in my case:

- ☒ Any or all filing fees, fees for the issuance of either a summons or subpoena, the cost of attendance at an educational program for divorce and legal separation cases required by A.R.S. § 25-352, court accountant fees and costs, court investigator fees and costs, fees for obtaining one certified copy of letters of temporary or permanent appointment, fees for obtaining one certified copy of a temporary order in a family court case or a final order, judgment, or decree in all civil proceedings.
- ☐ Fees for service of process by a sheriff, marshal, constable, or law enforcement agency.*
- ☐ Fees for service by publication.*
- ☐ Filing fees and photocopy fees for the preparation of the record on appeal.
- ☐ Court reporter or transcriber fees for the preparation of court transcripts, if the court reporter or transcriber is employed by the court.

***NOTE:** To defer or waive fees for service of process or for service by publication, you must also complete the **Affidavit in Support of Application for Deferral or Waiver of Service of Process Fee** form (Form No. AOCDFGF3F).

2. I am requesting a deferral or waiver of fees and costs in my case because:

- A. ☐ I receive government assistance from the federal Supplemental Security Income (SSI) program.*

☐ I have attached the required **proof** that I participate in the **Supplemental Security Income program**. The proof shows my name as the benefit's recipient and the name of the agency that provides the benefit.



(If you have attached proof, you do not need to complete the financial questionnaire in section 3.)

Supplemental Security Income (SSI) is **NOT the same as regular retirement benefits from the Social Security Administration or Social Security Disability Insurance (SSDI)*

OR

- B. ☐ I receive government assistance from the state or federal program marked below:

☐ Temporary Assistance to Needy Families (TANF)

☐ Food Stamps

☐ I have attached the required **proof** that I participate in a **government assistance program**. The proof shows my name as the benefit's recipient and the name of the agency that provides the benefit.



(If you have attached proof, you do not need to complete the financial questionnaire in section 3.)

OR

- C. ☐ I receive legal assistance from a non-profit legal aid program.

☐ I have attached the required **proof** that I receive legal assistance from a **non-profit legal aid program**. The proof shows my name as the recipient and the name of the legal aid provider that provides the assistance.



(If you have attached proof, you do not need to complete the financial questionnaire in section 3.)

OR

- D. ☒ My income is insufficient or is barely sufficient to meet the daily essentials of life, and includes no allotment that could be budgeted for the fees and costs that are required to gain access to the court. My gross income as computed on a monthly basis is 150% or less of the current federal poverty level. (Note: Gross monthly income includes your share of your

spouse or domestic partner's income if available to you.) *(See the Poverty Levels Chart in 4(H) to determine if your income is 150% or less of the poverty level.)*

OR

- E. ☐ I am permanently unable to pay. My income and liquid assets are insufficient or barely sufficient to meet the daily essentials of life and are unlikely to change in the foreseeable future.

OR

- F. ☐ I do not have the money to pay court filing fees and costs now. I can pay the filing fees and costs at a later date. Explain. _____

OR

- G. ☐ My income is greater than 150% of the poverty level, but I have proof of extraordinary expenses (including medical expenses and costs of care for elderly or disabled family members) or other expenses that reduce my gross monthly income to 150% or below the poverty level. *(See the Poverty Levels Chart in 4(H) to determine if your income is 150% or less of the poverty level.)*

DESCRIPTION OF EXTRAORDINARY EXPENSES

AMOUNT

_____	\$ _____
_____	\$ _____
_____	\$ _____
TOTAL EXTRAORDINARY EXPENSES	\$ _____

- H. **POVERTY LEVELS CHART.** The chart below lists the gross monthly income levels at 150% of the current federal poverty levels based on **household size**. Household size is the number of related individuals living in your home, including yourself, that you support financially. Use the chart to determine the poverty levels based on your household size and whether your gross monthly income is less than, or more than, 150% of the poverty levels.

(AS OF JANUARY 12, 2023)

Household Size (all related individuals)	Gross Monthly Income Level-150%	Household Size (all related individuals)	Gross Monthly Income Level-150%
1	\$1,823	5	\$4,393
2	\$2,465	6	\$5,035
3	\$3,108	7	\$5,678
4	\$3,750	8*	\$6,320

3. FINANCIAL QUESTIONNAIRE

You must complete the financial questionnaire unless you have attached the proof required in section 2(A) for SSI, 2(B) for government assistance, or 2(C) for non-profit legal aid program.

- A. How many people, including yourself, do you support financially (including those you pay child support or spousal maintenance for)? _____

List relationship of those you support and check those living with you:

☐	_____	☐	_____	☐	_____	☐	_____
☐	_____	☐	_____	☐	_____	☐	_____

- B. Do you have a job? ☐ Yes ☐ No

Employer name: _____

Employer phone number: _____

- C. What is your approximate **gross monthly income (total income before deductions)**? \$ 20

- D. What is your approximate **monthly take home pay (total income after deductions)**? \$ 20

- E. Do you have income from the following sources?

☐ social security	☐ disability	☐ veteran's benefits
☐ unemployment benefits	☐ spousal or child support	
☐ investments	☐ other: _____	

- What is your approximate **total gross monthly income** from these sources? \$ 0

- What is your **spouse or domestic partner's approximate total gross monthly income** from all sources readily available to you? \$ 0

- F. What is the approximate **total balance of bank and credit union accounts** accessible without financial penalty? \$ 25.39

- G. What are your **average total monthly expenses**, including rent/mortgage, utilities, vehicle/transportation, credit cards, insurance, medical/dental, child support, childcare, spousal maintenance, tuition, or other expenses? \$ 750.33

CONSENT TO ENTRY OF JUDGMENT

By signing this Application, I agree that a consent judgment may be entered against me for all fees or costs that are deferred but remain unpaid 30 calendar days after entry of the final judgment, decree, or order unless I establish a payment plan and make timely payments, or I submit a Supplemental Application and the court has not made a ruling on it.

You will receive a **Notice of Court Fees and Costs Due** from the court indicating (1) how much is owed and (2) what steps to take to avoid a consent judgment against you.

NOTE: You may be ordered to repay any amounts that were waived if the court finds you were not eligible for the fee deferral or waiver. If your case is dismissed for any reason, the fees and costs are still due.

If you are asking for deferral or waiver for service of process costs, or service by publication costs, you must complete the **Affidavit in Support of Application for Deferral or Waiver of Service of Process Fee** form (Form No. AOCDFGF3F).

**OATH OR AFFIRMATION FOR APPLICATION FOR DEFERRAL OR WAIVER
OF COURT FEES AND COSTS**

I declare under penalty of perjury that I have read the above statements and to the best of my knowledge and belief these statements are true and correct.

7 November 2024

Date



Applicant's Signature

Eli Dalton-Webb

Applicant's Printed Name

Person Filing: Eli Dalton-Webb
Address (if not protected): 5009 E. Ironwood Circle
City, State, Zip Code: Sierra Vista, Arizona, 85650
Telephone: _____
Email Address: dw4az@proton.me
Representing ☐ Self or ☐ Lawyer for _____
Lawyer's Bar Number: _____

For Clerk's Use Only

**IN THE SUPERIOR COURT OF ARIZONA
IN COCHISE COUNTY**

Eli Dalton-Webb

Name of Petitioner/Plaintiff

Case Number: CV202400628

-vs-

City of Sierra Vista, et al.

Name of Respondent/Defendant

**ORDER REGARDING DEFERRAL
OR WAIVER OF COURT FEES AND
COSTS**

THE COURT FINDS that the applicant or estate/ward/protected person, _____
_____, (print name):

1. ☐ IS NOT ELIGIBLE FOR A DEFERRAL or FOR A WAIVER of fees and costs.

OR

2. ☐ IS ELIGIBLE FOR A DEFERRAL of fees and costs based on:

☐ Financial eligibility. As required by state law, the applicant has signed a consent to entry of judgment.

☐ At the court's discretion (A.R.S. § 12-302(L)).

☐ Good cause shown. As required by state law, the applicant has signed a consent to entry of judgment.

OR

3. ☐ IS ELIGIBLE FOR A WAIVER of fees and costs based on:

☐ Applicant is permanently unable to pay.

☐ At the court's discretion (A.R.S. § 12-302(L)).

IT IS ORDERED:

☐ **WAIVER IS DENIED** for the following reasons:

- ☐ This is a class action. (A.R.S. § 12-302(K))
- ☐ The applicant is an ADOC inmate awaiting transportation to ADOC facilities or a non-ADOC inmate, and this is not a domestic relations action. (A.R.S. § 12-302(K))
- ☐ The applicant was previously declared a vexatious litigant by any court, and this is not a domestic relations case. (A.R.S. § 12-302(K))
- ☐ The applicant is not permanently unable to pay or the applicant has not established a receipt of benefits from the Supplemental Security Income (SSI) program. (ACJA § 5-206(F))

☐ **WAIVER IS GRANTED** for the following fees and costs in this case that may be waived under A.R.S. § 12-302(H):

- ☐ Any or all filing fees, fees for the issuance of either a summons or subpoena, the cost of attendance at an educational program required by A.R.S. § 25-352, court accountant fees and costs, court investigator fees and costs, fees for obtaining one certified copy of letters of temporary or permanent appointment, and fees for obtaining one certified copy of a temporary order in a family court case or a final order, judgment, or decree in all civil proceedings.
- ☐ Fees for service of process by a sheriff, marshal, constable, or law enforcement agency.
- ☐ Fees for service by publication.
- ☐ Filing fees and photocopy fees for the preparation of the record on appeal.
- ☐ Court reporter or transcriber fees for the preparation of court transcripts, if the court reporter or transcriber is employed by the court.

☐ **DEFERRAL IS DENIED** for the following reason(s):

- ☐ The application is incomplete because _____

You are encouraged to submit a complete application.
- ☐ The applicant does not meet the financial criteria for deferral because:
 - ☐ The applicant did not provide proof that they are receiving public assistance benefits from the Temporary Assistance to Needy Families (TANF) program or Food Stamps;
 - ☐ The applicant did not provide documentation that they are currently receiving services from a non-profit legal aid program;
 - ☐ The applicant did not provide documentation that their income is insufficient or barely sufficient to meet the daily essentials of life and includes no allotment that could be budgeted to pay the fees and costs necessary to gain access to the court;

☐ Other reason: _____

☐ The applicant is an incarcerated felon, and this is not a domestic relations action. (A.R.S. § 12-302(E))

☐ **DEFERRAL IS GRANTED** for the following fees and costs in this court:

☐ Any or all filing fees, fees for the issuance of either a summons or subpoena, the cost of attendance at an educational program required by A.R.S. § 25-352, court accountant fees and costs, court investigator fees and costs, fees for obtaining one certified copy of letters of temporary or permanent appointment, and fees for obtaining one certified copy of a temporary order in a family court case or a final order, judgment, or decree in all civil proceedings.

☐ Fees for service of process by a sheriff, marshal, constable, or law enforcement agency.

☐ Fees for service by publication.

☐ Filing fees and photocopy fees for the preparation of the record on appeal.

☐ Court reporter or transcriber fees for the preparation of court transcripts, if the court reporter or transcriber is employed by the court.

IF A DEFERRAL IS GRANTED, APPLICANT MUST PAY AS FOLLOWS:

☐ **NO PAYMENTS WILL BE DUE UNTIL FURTHER NOTICE OR AT THE CONCLUSION OF YOUR CASE.**

☐ **PAYMENT PLAN.** The applicant must pay \$_____ each _____
(week, month etc.) until paid in full, beginning _____.

☐ **PAYMENT DUE DATE.** The applicant must pay the service of process fee of
\$_____ on or before _____.

RIGHT TO JUDICIAL REVIEW. If the court denies your application or sets a payment plan for you, you may request a judicial officer to review the decision by filing a **Request and Order for Hearing** (Form No. AOCDGFG12F). You must file the request within 20 days of the day the order was mailed or delivered to you. If the court sets a payment plan for you, no payments will be due until the court reviews the request. The court will review the request as soon as reasonably possible.

If you do not pay the service of process fees when they are due, you will receive a **Notice of Court Fees and Costs Due**. The **Notice of Court Fees and Costs Due** will remind you that you may submit a **Supplemental Application** (Form No. AOCDGFG9F) for further deferral or waiver if you believe you still cannot afford to pay your court fees. The court will review your **Supplemental Application** and decide at that time whether or not you must pay.

NOTICE REGARDING CONSENT JUDGMENT. A consent judgment may be entered against you for all fees or costs that are deferred but remain unpaid 30 calendar days after entry of the final judgment, decree, or order UNLESS:

- A. The fees and costs are taxed to another party.
- B. You establish a payment plan and make timely payments.
- C. You file a Supplemental Application, and the court has not made a ruling on it.
- D. In response to the Supplemental Application, the court orders the fees and costs to be waived or further deferred.
- E. Within 20 days of the date the court denies the Supplemental Application,
 - You pay the fees and costs.
 - You request a hearing. The court cannot enter the consent judgment unless a hearing is held, further deferral or waiver is denied, and payment has not been made within the time given by the court.

If you appeal the final order, decree, or judgment, unpaid court fees are due 30 days after the appeals process ends. The procedures for notice of court fees and costs and for entry of a consent judgment continue to apply.

DUTY TO REPORT CHANGE IN FINANCIAL CIRCUMSTANCES. An applicant who is granted a deferral or waiver must promptly notify the court of any change in financial circumstances during the course of the case that would affect the applicant's ability to pay court fees and costs. Any time the applicant appears before the court on this case, the court may inquire as to the applicant's financial circumstances.

DATED: _____

☐ Judicial Officer ☐ Special Commissioner

NOTE: IF THE APPLICATION IS BY VERBAL AVOWAL, THE APPLICANT MUST SIGN THE CONSENT TO ENTRY OF JUDGMENT.

I CERTIFY that I mailed/delivered a copy of this document to:

☐ Applicant ☐ at the above address, ☐ in court, ☐ hand delivered, ☐ by email
☐ Applicant's attorney ☐ at the above address, ☐ in court, ☐ hand delivered, ☐ by email

Date

By _____
Clerk