

SUPERIOR COURT, STATE OF ARIZONA, In and for the County of Cochise

ELI DALTON-WEBB, Plaintiff, vs. CITY OF SIERRA VISTA, a municipal corporation in Arizona, OFFICER E. SLUSSER, R. HERTMAN, OFFICER S. MCHUNTTING, M. PARTIDGE, peace officers of the Sierra Vista Police Department, Defendants.	February 7, 2025 Case No. CV202400628 ORDER	
HONORABLE DAVID THORN DIVISION THREE		By: Lauren Begnoche Judicial Administrative Assistant

Defendant, City of Sierra Vista, through counsel, filed a Motion to Dismiss the complaint on December 3rd, 2024. The Motion alleges that; 1. the Arizona Constitution does not provide for a private cause of action under the First Amendment to the U.S. Constitution; 2. that the suit is barred by the one-year statute of limitations on claims against the sovereign, and 3. that the Complaint fails to state a claim for which relief may be provided. The Plaintiff filed no response to the Defendant's Motion.

The Plaintiff's Complaint alleges that on October 7th, and 8th, 2023 two police officers from the Sierra Vista Police Department confronted him at an event at Memorial Park in Sierra Vista, Arizona and prevented him from collecting signatures for political purposes. Plaintiff filed his Complaint on October 9th, 2024. While there are many things in this world that are mysterious or unknowable, it is without a doubt October 9th, 2024 is one year and one day after October 8th, 2023. The case is **DISMISSED** with prejudice.

Plaintiff filed a pleading styled "Motion for Reconsideration, Motion to Strike, and a Reply to Defendants' Response to Motion for Sanctions." Plaintiff also filed a Motion for Leave to Amend Complaint. Defendant filed a Response to the Plaintiff's Motion to Strike. All of those Motions are **DENIED** as *moot*.



eSigned by DAVID THORN 02/07/2025 10:48:16 Bqt+SS6

Honorable David Thorn

mailed/distributed:

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