

Eli Dalton-Webb
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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, R. Hertman, OFFICER S. McHunting, 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: Notice of Appeal
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NOTICE OF APPEAL

Notice is hereby given that the Plaintiff appeals to the Arizona Court of Appeals
(Division 2) from the judgment and/or order entered in this case on 28 February 2025.

1. Plaintiff alleges that he commenced this civil action on 4 October 2024, which
would make this civil action timely and not time-barred.

2. The Defendant City, through Counsel, moved to dismiss this civil action as
untimely, alleging that this civil action was commenced on 9 October 2024.

1 3. Plaintiff filed a Motion for Leave to Amend Complaint, which this Court has twice
2 deemed “moot” and “futile”, explaining that this civil action is untimely.
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4 4. Plaintiff hereby appeals the interpretation of the relevant court rules, Arizona
5 Constitution, state law, and the facts regarding the determination of the commencement date
6 of this civil action. Plaintiff hereby disagrees with the assertion that the civil action was
7 commenced on 9 October 2024. Plaintiff hereby asserts that the civil action was commenced
8 on 4 October 2024.
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10 5. Plaintiff reads the 7 February 2025 order as **ONLY** dismissing the civil action as
11 untimely and all other matters (including Motion for Leave to Amend) moot. Plaintiff reads
12 the 7 February 2025 order (dismissing the civil action) as disregarding all other arguments as
13 **MOOT** because of the alleged untimeliness of the action. Plaintiff reads the 7 February
14 2025 order as non-final and non-appealable.
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16 6. Plaintiff reads the 28 February 2025 order as **ONLY** dismissing the civil action as
17 untimely and the Motion to Amend Complaint as “futile”.
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19 7. Plaintiff reads the 7 February 2025 order as denying the Motion for Leave to
20 Amend Complaint as moot.
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22 8. Plaintiff reads the 28 February 2025 order as denying the Motion for Leave to
23 Amend Complaint as futile.
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25 9. Plaintiff explained his position in his Motion for Leave to Amend Complaint
26 regarding that the action was commenced on 4 October 2024, **NOT** 9 October 2024. This
27 Court has determined that this amendment is “moot” and “futile”. Plaintiff asserts that this
28 argument is extremely important, is not “moot” and is not “futile”, and that this Court erred
29 in deeming the Motion for Leave to Amend as “moot” and/or “futile”.
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1 10. Plaintiff hereby appeals the Motion for Leave to Amend Complaint being deemed
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3 “moot” and/or “futile”.

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5 11. Plaintiff hereby requests the appellate court to narrow the subject on appeal to
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7 only (1) timeliness of this civil action; and (2) the Motion for Leave to Amend Complaint
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9 being “moot” and/or “futile” and/or the motion being denied.

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11 12. Plaintiff hereby requests the appellate court to read the 7 February 2025 order as
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13 non-final and non-appealable.

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15 13. Plaintiff hereby requests the appellate court to read the 28 February 2025 order
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17 as, according to the Superior Court, **ONLY** (1) deeming the civil action as untimely; and (2)
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19 deeming the Motion for Leave to Amend Complaint as futile.

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21 14. Plaintiff hereby requests the appellate court to read the 28 February 2025 order as
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23 **NOT** deciding any of the other matters, including (1) the alleged no private cause of action
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25 issue; and (2) alleged failure to state a claim for which relief may be provided. Plaintiff
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27 requests the appellate court to deem these issues as non-decided, non-final, and non-
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29 appealable.

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31 **CORRESPONDENCE**

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33 Plaintiff requests that all correspondence and service in this matter continue to be
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35 made with Plaintiff via e-mail at the same e-mail provided and that has been used at
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37 dw4az@proton.me .
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A copy of this will be sent to:

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Submitted respectfully this day, 21 March 2025,



Eli Dalton-Webb