

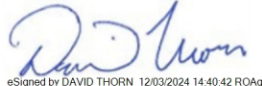
SUPERIOR COURT, STATE OF ARIZONA, In and for the County of Cochise

ELI DALTON-WEBB, Plaintiff, vs. CITY OF SIERRA VISTA, a municipal corporation in Arizona, OFFICER E. SLUSSER, R. HERTMAN, OFFICER S. MCHUNTING, M. PARTIDGE, peace officers of the Sierra Vista Police Department, Defendants.	December 3, 2024 Case No. CV202400628 ORDER (Denying Motion to Compel)	
HONORABLE DAVID THORN DIVISION THREE		By: Lauren Begnoche Judicial Administrative Assistant

Plaintiff filed a pleading titled Motion to Compel Court Clerk asking the Court to ORDER the Cochise County Clerk's Office to accept his Application for Deferral or Waiver of Court Fees or Costs and Consent to Entry of Judgment associated with filing his complaint in this matter. Plaintiff cited Article 2, Section 11 of the Arizona Constitution as the basis for his motion. He also claimed that he "has a financial hardship coming to the court clerk's office" in order to file the Application. The Court notes that the Plaintiff listed his address on the pleading which indicates that he lives approximately five and one half miles from the Superior Court of Arizona in and for Cochise County. Plaintiff failed to state why he simply could not mail the Application to the Clerk of the Court.

First a Motion to Compel is typically used as a discovery tool when one party has failed to timely provide disclosure in a civil or criminal matter and all reasonable efforts to obtain the disclosure without court intervention have been unsuccessful. Next, while the Cochise County Clerk of the Court is able to accept electronic pleadings in civil matters, an Application for Deferral or Waiver of Fees or Costs and Consent to Entry of Judgment is not a pleading. Finally, Plaintiff asks the Court to "repeal or amend Local Rule 29, considering Pro Per litigants, and considering that this rule causes unnecessary delays in the filings." Cochise County Superior Court Local Rule 29 simply states that any party filing a motion shall also submit a form of order for the court's signature. It is unclear how that rule would cause unnecessary delays in filing pleadings.

The Motion to Compel the Cochise County Superior Court Clerk to accept Plaintiff's Application for Deferral or Waiver of Fees by electronic means is **DENIED**.


eSigned by DAVID THORN 12/03/2024 14:40:42 ROAgbdLJ
Honorable David Thorn

mailed/distributed:

xc: Eli Dalton-Webb (dw4az@proton.me)
Michele Molinario, Esq. (mmolinario@jshfirm.com) (minuteentries@jshfirm.com)
Derek Graffious, Esq (dgraffious@jshfirm.com)