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Scott M. McNair
Phoenix, Arizona

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

SCOTT M. MCNAIR
Plaintiff,

V.

County of Maricopa, et al,
Defendants,

No. CV-03-2119-PHX-NVW

**NOTICE OF DOCKETING ERROR OF
PLAINTIFF’S OBJECTION TO ORDER
EXTENDING TIME FOR DEFENDANTS’
SUMMARY JUDGMENT REPLY**

Assigned to the Hon. Neil V. Wake

I. PLEA FOR LENIENCY AND WAIVER OF FORMAL REQUIREMENTS

In that the Plaintiff (McNair) is neither represented by counsel nor had any formal legal training, he does hereby request leniency from the Court for the form and content of this pleading. Plaintiff also requests the Court to waive and/or modify any formal procedural requirements in order to insure him due process and equitable justice, and to insure that a fair and just determination can be made. (“Pro se litigants’ pleadings are not to be held to the same high standards of perfection as lawyers.”¹)

...

¹ Haines V. Kerner, 92 S.Ct. 594; Jenkins V. McKeithen, 395 US 411, 421 (1969); Picking V. Penna. Rwy. Co. 151 F.2d 240; Puckett V. Cox, 456 F.2d 233.)

1 **II. MEMORANDUM AND POINTS OF AUTHORITY**

2 On October 7 2005, Plaintiff filed an “*Objection To Order Extending Time For Defendants’*
3 *Summary Judgment Reply*”. (Exhibit 1)

4 On October 21 2005 while at the Clerk of the Court’s office, plaintiff requested (purchased) a
5 copy of the court’s docket for this case. (Exhibit 2)

6 It was later discovered that the pleading though received by the Clerk, was not properly entered
7 into the docket.

8 As this pleading is of great significance to this case, plaintiff does hereby notify this court of the
9 Clerk’s error and respectfully requests the court to review the pleading and give such proper
10 consideration in regards to the matters before this court. Failure of this court to give proper
11 consideration to plaintiff’s pleading would be a denial of his due process rights, and an act of bias
12 and prejudice against him by the court.

13 Plaintiff further requests that the court instruct the Clerk to update its records to properly include
14 the pleading, and, to have the Clerk mail an updated copy of the docket to plaintiff (and all other
15 parties) as evidence that is has corrected its records.

16
17 RESPECTFULLY SUBMITTED this 24th day of OCTOBER 2005.

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19 By _____

20 Scott M. McNair, Plaintiff Pro Se

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ORIGINAL and COPY FILED this day with:

Clerk of the Court
United States District Court
District of Arizona
Sandra Day O'Connor U.S. Courthouse
401 W. Washington Street, Suite 130
Phoenix, AZ 85003-2118

COPY of the forgoing HAND-DELIVERED this same day to:

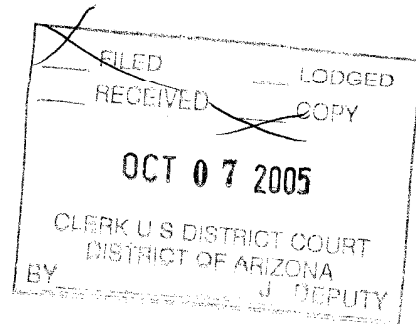
Office of the Maricopa County Attorney
Attn: Dan Brenden
222 North Central Avenue, Suite 1100
Phoenix, Arizona 85004
(Counsel for Defendants: Maricopa County, Medlin, Peterson, & Ramsey)

COPY of the forgoing MAILED this same day to

Jones, Skelton & Hochuli, P.L.C.
Attn: Eileen Dennis GilBride
2901 N. Central Avenue, Suite 800,
Phoenix, Arizona 85012,

EXHIBIT 1

**Cover Page (including Clerk's stamp) of Plaintiff's
Objection To Order Extending Time For Defendants' Summary Judgment Reply**



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Scott M. McNair
5401 North Black Canyon Highway
Phoenix, Arizona 85015
602.433.7992

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

SCOTT M. MCNAIR
Plaintiff,

V.

County of Maricopa, et al,
Defendants,

No. CV-03-2119-PHX-NVW

**OBJECTION TO ORDER EXTENDING TIME
FOR DEFENDANTS' SUMMARY JUDGMENT
REPLY**

Assigned to the Hon. Neil V. Wake

I. PLEA FOR LENIENCY AND WAIVER OF FORMAL REQUIREMENTS

In that the Plaintiff (McNair) is neither represented by counsel nor had any formal legal training, he does hereby request leniency from the Court for the form and content of this pleading, and does request the Court to waive and/or modify any formal procedural requirements in order to insure McNair due process and equitable justice, and to insure that a fair and just determination can be made. Moreover, as McNair is a pro se litigant and not an attorney, his pleadings must be considered without technicality. (*“Pro se litigants’ pleadings are not to be held to the same high standards of perfection as lawyers.”*¹)

¹ Haines V. Kerner, 92 S.Ct. 594; Jenkins V. McKeithen, 395 US 411, 421 (1969); Picking V. Penna. Rwy. Co. 151 F.2d 240; Puckett V. Cox, 456 F.2d 233.)

EXHIBIT 2

Copy of page 9 of Clerk's docket of this case
Obtained 10/21/2005

10/03/2005	<u>64</u>	REPLY to Response to Motion re [44] Motion to Compel separation of parties filed by Scott M McNair. (KCS) (Entered: 10/04/2005)
10/03/2005	<u>65</u>	REPLY to Response to Motion re [43] Motion to Compel Motion for Sanctions filed by Scott M McNair. (KCS) (Entered: 10/04/2005)
10/03/2005	<u>66</u>	REPLY to Response to Motion re [45] Motion to Compel disclosure of witness information filed by Scott M McNair. (KCS) (Entered: 10/04/2005)
10/04/2005		Copy of document number 61, mailed to Scott McNair on this date. (EAT,) (Entered: 10/04/2005)
10/05/2005	<u>67</u>	MOTION to Vacate <u>59</u> Order on Motion to Strike,, by Scott M McNair. (TLJ,) (Entered: 10/06/2005)
10/07/2005	<u>68</u>	RESPONSE in Opposition re <u>62</u> MOTION for Leave to File Excess Pages for for reply for motion for partial summary judgment filed by Maricopa, County of, Kenneth Medlin, Terry Peterson, Jennifer Ramsey. (GilBride, Eileen) (Entered: 10/07/2005)
10/10/2005	<u>69</u>	RESPONSE in Opposition re <u>67</u> MOTION to Vacate <u>59</u> Order on Motion to Strike,, filed by Maricopa, County of, Kenneth Medlin, Terry Peterson, Jennifer Ramsey. (GilBride, Eileen) (Entered: 10/10/2005)
10/12/2005	<u>70</u>	ORDER denying <u>62</u> Motion to Extend Page Limit of Reply, denying <u>67</u> Motion to Vacate Order to Strike Summary Judgment Reply. Signed by Judge Neil V. Wake on 10/12/2005. (NVW,) (Entered: 10/12/2005)
10/12/2005		Copy of document number 70, mailed to Scott McNair on this date. (EAT,) (Entered: 10/12/2005)
10/17/2005	<u>71</u>	REPLY to Response to Motion re [46] Motion for Partial Summary Judgment filed by Scott M McNair. (TLJ,) (Entered: 10/18/2005)
10/18/2005	<u>72</u>	REPLY to Response to Motion re <u>60</u> MOTION for Leave to File Summary Judgment Reply, <u>58</u> MOTION to Strike [55] Reply to Response to Motion, [46] Motion for Partial Summary Judgment filed by Maricopa, County of, Kenneth Medlin, Terry Peterson, Jennifer Ramsey. (GilBride, Eileen) (Entered: 10/18/2005)