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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Terrence Bressi,

10 Plaintiff,

11 v.

12 Pima County Board of Supervisors, et al.,

13 Defendants.
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No. CV-18-00186-TUC-DCB

ORDER

15 After a stay for approximately six months under the auspices of settlement, the
16 Court returned the case to its active docket. It granted the Plaintiff's Motion for Leave to
17 file the Second Amended Complaint, which was pending since December 31, 2018. The
18 amendment was for the purpose of adding federal Defendants the United States Department
19 of Homeland Security, Customs and Border Patrol, and several federal officers. The Pima
20 County Defendants had no objection to the amendment, which also served to replace
21 Defendant Dupnick, retired, with Defendant Nanos.

22 On June 25, 2019, the Pima County Defendants filed a Partial Motion to Dismiss
23 under Fed. R. Civ. P. 12(b)(1) and (6). They also filed a Motion for Extension of Time to
24 File the Answer. The Court denies the extension of time for filing the Answer. Defendants'
25 Motion to Dismiss for failure to state a claim may proceed as a Motion for Judgment on
26 the Pleadings under Rule 12(c). A motion challenging the Court's jurisdiction may be
27 raised at any time. The Court also notes that the case management Order, issued after a
28 scheduling conference on November 20, 2018, allowed for approximately six months of

1 discovery and that when the stay was lifted approximately four months of discovery
2 remained. The Court will set a scheduling conference to update the case management dates
3 as to the Pima County Defendants, if necessary, after the United States Defendants are
4 served and answer. This case, as brought against the Pima County Defendants, has been
5 delayed long enough and, unless further delay is unavoidable, it shall proceed.

6 **Accordingly,**

7 **IT IS ORDERED** that the Motion to Extend Time to File Answer (Doc. 47) is
8 DENIED.

9 **IT IS FURTHER ORDERED** that the Plaintiff's Response to the Partial Motion
10 to Dismiss shall be 30 days after the Pima County Defendants file the Answer.

11 Dated this 28th day of June, 2019.

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Honorable David C. Bury
United States District Judge