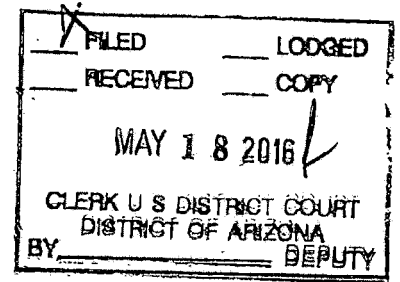


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602-247-6147

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



**MICHAEL PIERCE**  
Plaintiff/ Petitioner Pro-Se

VS.

**DOUGLAS B. DUCEY**  
IN HIS CAPACITY AS GOVERNOR  
OF THE STATE OF ARIZONA.

<sup>A</sup>  
**MICHELLE REGAN**  
IN HER CAPACITY AS  
SECRETARY OF STATE OF  
THE STATE OF ARIZONA AND  
CHIEF ELECTORAL OFFICER.

**DAVID M.GOWAN SR.**  
IN HIS CAPACITY AS  
SPEAKER OF THE HOUSE OF  
REPRESENTATIVES OF THE  
ARIZONA STATE LEGISLATURE  
ON BEHALF OF ALL MEMBERS OF THE HOUSE OF  
REPRESENTATIVES

**ANDREW BIGGS**

CASE NO: CV-16-01538-PHX-JZB

**COMPLAINT WITH  
MOTION FOR ORDER  
TO SHOW-CAUSE AND  
FOR PRELIMINARY  
INJUNCTION.**

**PRESIDENT**  
**IN HIS CAPACITY AS [REDACTED] OF**  
**THE SENATE OF THE ARIZONA**  
**STATE LEGISLATURE ON BEHALF OF ALL**  
**THE MEMBERS OF THE SENATE**  
**Defendant(s)/ Respondant(s)**

**COMES NOW THE PETITIONER, MICHAEL PIERCE IN PROPER FORM AND STANDING** who now makes his complaint together with his motion for Order Show-cause together with preliminary injunction.

This Court has proper jurisdiction because the issue in controversy involves legislation of an Act of Congress; specifically the Enabling Act of 20 June 1910 C310,36 U.S. Stat 557,568-579.

Petitioner Pro-Se claims proper standing under the provisions of section 28 of the Enabling Act of 20 June 1910 which provides: "nothing herein contained shall be taken as a limitation of the power of the State, or of any citizen thereof, to enforce the provisions of this Act".

This action arises from the results of a Referendum referred by the legislature and Governor of the State of Arizona to the electors of the State of Arizona. Such referral known as Proposition 123. This referral by the State Legislature and the Governor of the State of Arizona is unlawful from its very conception in that it violates the terms and provisions of the "Enabling act of 1910" The Federal Legislation by which the then Territory of Arizona was admitted to full Statehood in the Federal Union. This Act is incorporated into this complaint by reference thereto.

House concurrent Resolution 2001 incorporated herein by reference thereto, passed by the Arizona State House of Representatives on 29 October 2015, and passed by the Arizona State Senate on 30 October 2015, and filed with The Arizona Secretary of State Michelle Regan for submission to the electors of Arizona in a Referendum election held on 17 May 2016. House Concurrent Resolution 2001 is the legislation which is intended to amend the Constitution of the State of Arizona Article X in contravention of the terms of the Enabling Act of 20 June, 1910 which clearly forbids any such amendment without first obtaining the consent and approval of Congress. Section 9 of the Enabling Act of 1910 provides the following:

"That the State and the people consent to All and singular, the provisions of this Act concerning the lands hereby granted or confirmed to the State, the terms and conditions upon which said grants and confirmations are made, and the means and manner of enforcing such terms and conditions, all in every respect and particular as in this Act provided. All of which ordinances described in this section shall by proper reference be made a part of any constitution that shall be formed hereunder, in such terms as shall positively preclude the making of of any future constitutional amendment of any change or abrogation of the said ordinances in whole or in part without the consent of Congress".

This is the crux of petitioners complaint. The proper order effecting a change to the provisions of the Enabling act would be first for the Arizona State Legislature to bring forth legislation memorializing the United States Congress to approve such proposed changes to the Arizona State Constitution Article X, BEFORE submission of such changes to the electors of the State of Arizona. As it stands, the electors of this State have voted upon a measure which contravenes, and violates the terms of the

Enabling Act of 1910 which is the legal basis for the Admission of Arizona as a State in the Federal Union. The electors of the State of Arizona have been made party to a "breach of trust" The Court can take note of section 28 of the Enabling Act of 1910:

**"disposition of any said lands,, or of any money or things of value directly, or indirectly derived therefrom for any object other than for such particular lands, or the lands from which said money or things of value shall have derived, or in any manner contrary to the provisions of this Act, shall be deemed a breach of trust".**

The Constitutional amendment of which voters have been asked to decide violates section 27 of the Enabling Act of 1910. In voting to approve the Constitutional Amendment to Article X of the Constitution of the State of Arizona The capital of the permanent land trust and its provisions under the Enabling Act would now be drawn for a set period of time in contravention of said provisions of such Act. The Court should take note of these provisions of section 27 of such Enabling Act:

**"The interest of which ONLY shall be expended for the support of the common schools within such State".**

The Court should also take note of the following provision of section 27 of the Enabling Act:

**"that 5 per centum of the sales of public lands lying within said State shall be sold by the United States subsequent to the admission of said state into the Union... Shall be paid to said state to be used as a permanent and inviolable fund, the interest of which only shall be expended for the support of the common schools within said state".**

Again, without first obtaining legislative consent and approval for such changes to Article X of the Arizona State Constitution by the United States Congress, the electors of Arizona have become party to a violation of the terms of the Enabling Act of 20 June 1910, the terms of which Arizona became a State in the Federal Union.

The results of Proposition 123 should be set aside because such results contavene the terms and provisions of the Enabling Act of 1910, which have been enshrined in Article X of the Arizona State Constitution Again the Court should take note of section 28 of the Enabling Act of 1910 which holds that:

**"any of the lands hereby granted or confirmed...not made in substantial conformity with the provisions of this Act shall be null and void, any provisions of the constitution or laws of the said State notwithstanding".**

#### **PRAYERS FOR RELIEF**

**WHEREFORE:** Petitioner prays this Court to grant an Order to Show-cause why respondents should not be permanently enjoined from implementing the terms and provisions of proposition 123 amending the Arizona State Constitution, together with a Preliminary Injunction enjoining the State of Arizona from proceeding to implement the terms of the referendum proposition 123 result, and any and all actions that may cause such terms of the referendum results from being enacted, or put into force. **FURTHER,** That Respondant, Michelle Regan in her capacity as Secretary of State of Arizona, and as

chief Electoral Officer of the State of Arizona, be particularly enjoined from any action on her part to certify the results of such referendum results of proposition 123, or cause others to do same, or any other action(s) that may cause the results of proposition 123 to be validated, and/or certified and **FURTHER**, for all other named respondents, in their individual capacities, from doing or causing to do, any actions, things that may effect the implementation of the terms of proposition 123, until such time as the issues raised in this complaint have been determined, and adjudicated fully. And **FURTHER**, for all other relief that to this Court shall seem fit and proper.

Respectfully given this *18* day of *MAY*, 2016

by *Michael Pierce*  
Michael Pierce Petitioner pro-se.