

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
LAS VEGAS DIVISION

JOSE DECASTRO,
Plaintiff,

v.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,
STATE OF NEVADA,
BRANDEN BOURQUE,
JASON TORREY,
C. DINGLE,
B. SORENSON,
JESSE SANDOVAL,
C. DOOLITTLE,
and DOES 1 to 50,
Defendants.

Case No. 2:23-cv-00580-APG-EJY

Honorable Judge Andrew Patrick Gordon
Presiding

**JURY TRIAL DEMANDED BY RIGHT AND
PRIVILEGE**

JENSEN'S MOTION TO STRIKE

COMESNOW, Intervenor Plaintiff, Jason A Jensen ("JENSEN"), under FRCP 8 (C) and 12 (F),
and Moves to Strike ALL ELEMENTS of Affirmative Defenses from Defendant's "Motion to Dismiss"
(See Doc. 15) and Joinder (See Doc. 17):

1. FRCP 8 (C) makes it clear that Affirmative Defenses are a part of a responsive Pleading.
2. In the “Motion to Dismiss”, III “Legal Standards” Section B, the Defendants Outline their Affirmative Defenses. See Page 5 lines 22 through Page 6 line 12. Rule 12 (d) Result of Presenting Matters Outside the Pleadings. If, on a motion under Rule 12(b)(6) or 12(c), matters outside the pleadings are presented to and not excluded by the court, the motion must be treated as one for summary judgment under Rule 56.
3. In the “Motion to Dismiss”, IV “Legal Argument”, Section A(3), titled “At a minimum, Ofc. Bourque is protected by qualified immunity on the Fourth Amendment false arrest claim and discretionary immunity on the state law false arrest claim” Raises Qualified Immunity, an Affirmative Defense, in a non-pleading document.

WHEREFORE:

JENSEN prays this Court Strike the Affirmative Defenses in the “Motion to Dismiss” or consider the “Motion to Dismiss” a responsive pleading under Rule 56 as a Motion for Summary Judgement.

JENSEN prays for all relief just and proper.

Sincerely and Respectfully Submitted,

//s/JasonAJensen

Jason A Jensen

CERTIFICATE OF SERVICE

I, Jason A Jensen, did cause all defendants currently present and in appearance of this Court to be served electronically by the ECF/CM of the Federal Court, on this day the 12th of June 2023, as soon as the Clerk of Court files this paperwork as submitted to lv_public_docketing@nvd.uscourts.gov.

//s/JasonAJensen