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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE DISTRICT OF ARIZONA

12 United States of America,
13 Plaintiff,

14 vs.

15
16 Joseph M. Arpaio,
Steven R. Bailey,
17 Michelle Iafrate, &
Gerard Sheridan,

18 Defendants.
19

2:16-CR-01012-SRB

MOTION FOR STATUS CONFERENCE

20 The government, by the United States Department of Justice, Criminal Division, Public
21 Integrity Section, files this motion for a status conference to address the criminal contempt referral
22 issued by the Honorable G. Murray Snow on August 19, 2016. *See* Criminal Contempt Referral,
23 *Melendres v. Arpaio*, No. 2:07-cv-02513 (D. Ariz. Aug. 19, 2016), ECF No. 1792. The Contempt
24 Order refers Sheriff Arpaio of the Maricopa County Sheriff's Office ("MCSO"), Chief Deputy
25 Sheridan, Captain Bailey, and Attorney Iafrate for criminal contempt proceedings on multiple
26 grounds stemming from the *Melendres* litigation and the resulting injunctions enjoining the MCSO
27 from stopping and detaining individuals of apparent Hispanic descent without probable cause or
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1 reasonable suspicion. *See id.* at 1-2, 4.

2 The Contempt Order refers Sheriff Arpaio for his violation of the court's December 23,
3 2011, preliminary injunction and for his failure to disclose fifty hard drives that were obtained by
4 the MCSO from a confidential informant. *See id.* at 2, 12. The Order refers Chief Deputy Sheridan
5 for his failure to disclose the same hard drives and for his concealment of 1459 identification
6 documents seized from potential members of the plaintiff class in the *Melendres* litigation and a
7 resulting MCSO internal affairs investigation. *See id.* at 2, 14. The Order refers Captain Bailey
8 for his concealment of the same set of IDs and for his misrepresentations regarding the resulting
9 internal affairs investigation. *See id.* at 2, 26. And finally, the Order refers Attorney Iafrate for
10 her concealment of the IDs and the resulting internal affairs investigation and for directing her
11 client to lie to the court's monitor. *See id.* at 2, 31.

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14 The government requests a status conference to address issues raised by the Contempt
15 Order, including scheduling and the legal and procedural requirements and limitations applicable
16 under the contempt statutes, 18 U.S.C. §§ 401 and 402, and Rule 42 of the Federal Rules of
17 Criminal Procedure.

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19 Respectfully Submitted,

20 RAYMOND N. HULSER
21 Chief, Public Integrity Section

22 By: /s/ John D. Keller

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CERTIFICATE OF SERVICE

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I HEREBY CERTIFY that on this date, I electronically filed the foregoing filing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the attorneys of record for the defendant.

/s/ John D. Keller
John D. Keller
Trial Attorney