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

MANUEL de JESUS ORTEGA
MELENDRES,
on behalf of himself and all others similarly
situated; *et al.*

Plaintiff,

v.

JOSEPH M. ARPAIO, in his individual
And official capacity as Sheriff of Maricopa
County, Arizona; *et al.*

Defendants

Civil Action No.
CV-07-2513-PHX-GMS

MOTION FOR EXTENSION OF TIME TO RETAIN COUNSEL

I, Michael Zullo, move this court pro se for a thirty day extension of time to make arrangements with Maricopa County to pay for me to retain counsel in this civil case, as the lawyers for the County, who claim to be representing Sheriff Joseph Arpaio, have just informed me that they have never and are not representing me, despite their having said so in the past and mislead me in this regard.

Thus, I need time to work out with the County paying for representation by another counsel who is independent and will do the right thing, as the lawyers for the County in my opinion not only have violated rules of ethics and my constitutional rights, but have failed to take actions that were necessary to protect my interests. Plain and simple, these lawyers have violated my constitutional rights.

These counsel for the County had no authority to make any representations which relate to me at the hearings of the last few days in particular. I have thus asked them to send to me today a copy of the transcripts of these hearings, so I can give them to counsel that I have consulted with who is considering whether to represent me. They have not sent these transcripts to me despite

1 apparently making statements against my interests and instead intended to protect themselves and
2 avoid the wrath of this Court.

3 My rights Fourth, Fifth and Sixth Amendment rights have been compromised by
4 counsel for the County and I now need to protect my interests with separate counsel. In addition to
5 violating my Fourth and Fifth Amendment rights, my Sixth Amendment right to counsel has been
6 violated.

7 I understand that the Court had ordered the counsel for the County to prepare a log of
8 the documents that I turned over to them believing, based on their representations, that they were
9 representing me, but now that I have been informed that they do not and have not represented me
10 throughout this case, they have no authority to take any action on my behalf. I do not consent to
11 them listing or turning over documents that they have obtained improperly from me to give to the
12 Court and the Plaintiffs who have threatened me.

13 The lawyer that I had consulted and who is considering whether or not to represent me
14 in this civil case, is lawyer who will not be affected or influenced by the poisonous politics of
15 Phoenix, Arizona, informed me of a case that stands for the view that I am not required to produce a
16 list of and the documents and things to the Court at this time, given my rights related to self-
17 incrimination and other constitutional rights. On a number of occasions, this Court, agreeing with
18 the Plaintiffs, has said that it is considering referring this on-going case to the U.S. Attorney for
19 criminal prosecution. The Court's statements and conduct shows and tells me that this is its
20 objective. The Plaintiffs and their counsel have threatened me, a witness in this case, with having
21 committed crimes in their pleadings, and this Court has apparently given credence to their
22 assertions, as it is conducting what is an investigatory proceeding on matters that have nothing to do
23 with the allegations of contempt toward Sheriff Arpaio and his office in allegedly violating a prior
24 court order on profiling of illegal immigrants, of which I have no involvement. The case I am talking
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1 about is *United States v. Hubbell*, 530 U.S. 27 (2000), and involves the United States Supreme
2 Court. In this case, the justices ruled on issues identical to what is involved here:

3 The two questions presented concern the scope of a witness' protection
4 against compelled self-incrimination: (1) whether the Fifth Amendment
5 privilege protects a witness from being compelled to disclose the existence
6 of incriminating documents that the Government is unable to describe with
7 reasonable particularity; and (2) if the witness produces such documents
8 pursuant to a grant of immunity, whether 18 U.S.C. § 6002 prevents the
9 Government from using them to prepare criminal charges against him.

10 ***

11 [w]e have also made it clear that the act of producing documents in
12 response to a subpoena may have a compelled testimonial aspect. We have
13 held that 'the act of production' itself may implicitly communicate
14 'statements of fact.' By 'producing documents in compliance with a
15 subpoena, the witness would admit that the papers existed, were in his
16 possession or control, and were authentic.' Moreover, as was true in this
17 case, when the custodian of documents responds to a subpoena, he may be
18 compelled to take the witness stand and answer questions designed to
19 determine whether he has produced everything demanded by the
20 subpoena. The answers to those questions, as well as the act of production
21 itself, may certainly communicate information about the existence,
22 custody, and authenticity of the documents. Whether the constitutional
23 privilege protects the answers to such questions, or protect the act of
24 production itself, is a question that is distinct from the question whether
25 the unprotected contents of the documents themselves are incriminating.

26 *Id.* at 30, 37.

27 As a result, I respectfully ask the court to allow me 30 days to consult with the County
28 and to retain counsel in this case to protect my interests. I cannot hire a lawyer if he is not assured
of payment with regard to what this Court has decided to make a very complicated and contentious
case. The County and its lawyers have incurred considerable liability to me and I trust, preserving
my rights to take appropriate legal actions to try to remedy their ethical violations if necessary, that
they will now take concrete and quick steps to allow me to protect my constitutional rights by
paying for independent counsel that I must now retain.

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Michael Zulte Pro Se

I certify that on October 28, 2015, I mailed and emailed this document to to these lawyers:

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