

Maricopa County Sheriff's Office
Joe Arpaio, Sheriff
Media Alert

December 28, 2016

Lawyers for Sheriff Joseph Arpaio, Chief Deputy Gerard Sheridan, and Lieutenant Joseph Sousa filed an Opening Brief yesterday in the Ninth Circuit Court of Appeals in the *Melendres v. Arpaio* litigation. The Brief asks the Ninth Circuit to vacate the Court's Contempt Findings of Fact and the Second Amended Second Supplemental Injunctive Order taking complete control over MCSO's Internal Affairs policies, operations, and personnel. The Brief also asks the Court of Appeals to remove District Court Judge G. Murray Snow and his Monitor from presiding over the case.

Specifically, the briefing on appeal contends that the Court's Second Supplemental Injunctive Order constitutes a federal court improperly micromanaging the internal operations of a state agency. The briefing also contends that Judge Snow and his Monitor may not continue to preside over the case because they have engaged in improper private, off-the-record meetings and communications about the merits of the case. Such *ex parte* communications between Judge Snow and his Monitor about the merits of the case were not only prohibited by the District Court's original order appointing the Monitor, but also are violations of federal law, the Code of Conduct for United States Judges, and the Due Process Clause of the Fifth Amendment.