

No. 10-16645

IN THE UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

The United States of America,

Plaintiff-Appellee,

v.

**The State of Arizona; and Janice K. Brewer,
Governor of the State of Arizona, in her official
capacity,**

Defendants-Appellants.

D.C. CASE #

CV 10-1413-PHX-SRB

**MOTION BY MARICOPA COUNTY SHERIFF JOSEPH M. ARPAIO FOR
LEAVE TO FILE *AMICUS CURIAE* BRIEF**

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Joseph M. Arpaio

Joseph M. Arpaio, Maricopa County Sheriff, in his official capacity, pursuant to Rule 29 of the Federal Rules of Appellate Procedure, by and through counsel undersigned, hereby respectfully requests that this Court permit him to file a brief as *Amicus Curiae* in this case, attached as Exhibit A. It is appropriate to grant this motion and accept this brief as Sheriff Arpaio and his deputies must administer the legislative act, known as “SB 1070,” that is the subject matter of this action.

Sheriff Arpaio is the Sheriff of Maricopa County, by far the largest county in Arizona both in land area and population. As of July 2008, the population of Maricopa County was 3,954,598 which ranks fourth among the nation’s counties and is greater than the population of 24 states. Maricopa County encompasses more than half of the State’s residents. Maricopa County contains the State’s largest city and capital, Phoenix. Maricopa County is a destination and distribution center for the human smuggling corridor through the border counties and Tucson. Phoenix has been famously reported to be the kidnapping capital of the United States, number two in the world, second only to Mexico City.

Sheriff Arpaio is serving his fifth elected term as Sheriff of Maricopa County and has taken a strong leadership role in resolving the issues relating to the border and immigration. He has been vocal on these issues locally, state-wide and nationally. Since 1992, when Sheriff Arpaio was elected to his first term as

Maricopa County Sheriff, he has been a leader on illegal immigration and related issues, including human and drug smuggling. No party is more familiar than Sheriff Arpaio with law enforcement procedures related to illegal immigration and the law enforcement procedures that will be followed if SB 1070 is implemented and enforced. *See* A.R.S. §11-441(a)(2).

Sheriff Arpaio is a Defendant in a related matter, *Friendly House et al. v. Whiting et al.*, CV10-01061.

RESPECTFULLY SUBMITTED this 26th day of August, 2010.

MARICOPA COUNTY
OFFICE OF SPECIAL LITIGATION SERVICES

BY: /s/ Thomas P. Liddy
THOMAS P. LIDDY
MARIA R. BRANDON
Attorneys for *Amicus Curiae* Joseph M. Arpaio

CERTIFICATE OF SERVICE

I hereby certify that on August 26th, 2010, I caused the foregoing document to be electronically transmitted to the Clerk's Office using the Appellate CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all registered CM/ECF participants and parties hereto. Service is accomplished thru the Appellate CM/ECF system.

/s/ Thomas P. Liddy
Attorney for *Amicus Curiae*
Joseph M. Arpaio