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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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9 Fred Graves, Isaac Popoca, on their own )  
10 behalf and on behalf of a class of all )  
pretrial detainees in the Maricopa County )  
11 Jails, )

No. CV-77-00479-PHX-NVW

**ORDER**

12 Plaintiffs, )

13 vs. )

14 Joseph Arpaio, Sheriff of Maricopa )  
County; Fulton Brock, Don Stapley, )  
15 Andrew Kunasek, Max W. Wilson, and )  
Mary Rose Wilcox, Maricopa County )  
16 Supervisors; )

17 Defendants. )  
18 )  
19 )

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20 Before the Court is Plaintiffs' Motion for Attorneys' Fees and Costs in Connection  
21 with Defendant Arpaio's Appeal. (Doc. 1978.)

22 The factual and procedural history of this class action on behalf of pretrial  
23 detainees held in the Maricopa County, Arizona, jail system is summarized in *Graves v.*  
24 *Arpaio*, 623 F.3d 1043, 1046 (9th Cir. 2010) (*per curiam*). On October 13, 2010, the  
25 United States Court of Appeals for the Ninth Circuit affirmed the Second Amended  
26 Judgment. *Id.* On April 4, 2011, after denying rehearing en banc, the Court of Appeals  
27 mandate issued. On April 7, 2011, Plaintiffs filed an unopposed motion to transfer  
28 consideration of attorneys' fees and expenses to this Court, which the Court of Appeals

1 granted on April 28, 2011. The time for filing a response has passed, and Defendants  
2 have not done so.

3 The legal standard for award of fees in this enforcement proceeding under 42  
4 U.S.C. §§ 1988 and 1997e(d)(1) has been explained in detail previously. (Doc. 1799 at 4-  
5 10.) Having prevailed on every issue on appeal, Plaintiffs should recover an attorney's  
6 fee that is "directly and reasonably incurred in proving an actual violation" and  
7 "proportionately related to the court ordered relief for the violation" or "directly and  
8 reasonably incurred in enforcing the relief ordered for the violation." (*Id.* (quoting  
9 § 1997e(d).)

10 The maximum hourly rate upon which an award for attorneys' fees may be based  
11 is 150 percent of the hourly rate established for payment of court-appointed counsel under  
12 18 U.S.C. § 3006A. 42 U.S.C. 1997e(d)(3). It is not disputed that the maximum rate for  
13 attorneys' fees applicable here is \$208.50 per hour.

14 IT IS THEREFORE ORDERED that Plaintiffs' Motion for Attorneys' Fees and  
15 Cost in Connection with Defendant Arpaio's Appeal (Doc. 1978) is granted.

16 IT IS FURTHER ORDERED that the Clerk enter judgment pursuant to Fed. R.  
17 Civ. P. 54(d) and LRCiv 54.2 in favor of Plaintiffs against Defendants in the amount of  
18 **\$42,441.30** for attorneys' fees and **\$1,643.36** for non-taxable costs payable to the **ACLU**  
19 **National Prison Project** and **\$12,113.85** for attorneys' fees and **\$1,127.94** for non-  
20 taxable costs payable to **Osborn Maledon, P.A.**, plus interest at the federal rate from the  
21 date of this Order until paid.

22 DATED this 15<sup>th</sup> day of July, 2011.

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26 Neil V. Wake  
27 United States District Judge  
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