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Attorneys for the United States

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

United States of America,  
  
Plaintiff,  
  
v.  
  
Maricopa County, Arizona; Maricopa  
County Sheriff's Office; and Joseph M.  
Arpaio, in his official capacity as Sheriff of  
Maricopa County, Arizona,  
  
Defendants.

No. 2:10-cv-01878-GMS  
**MOTION TO DISMISS**

1 The United States moves to dismiss this action without prejudice pursuant to Fed.  
2 R. Civ. P. 41(a)(2), for the reasons stated below.

3 The United States filed this action to compel Defendants to provide access to  
4 sources of information as required by Title VI of the Civil Rights Act of 1964, the  
5 Title VI implementing regulations, and related contractual assurances. On June 2,  
6 2011, the United States and the Maricopa County Sheriff's Office entered into an  
7 Agreement to resolve this action. The Agreement provides that if the United States  
8 determines that MCSO is in substantial compliance with its obligations, the United  
9 States will (1) memorialize that determination in writing after 55 days, and (2) move to  
10 dismiss this action under Rule 41(a)(2) after 60 days. Agreement ¶¶ 8, 15, 39, 47.  
11 (Dkt. 58.)

12 The United States has determined that MCSO is in substantial compliance with its  
13 obligations under the Agreement, and notified MCSO of this determination on July 27,  
14 2011 (Ex. A).<sup>1</sup> Since the United States initiated this lawsuit, MCSO has cooperated  
15 with the United States' ongoing investigation into allegations of discriminatory law  
16 enforcement practices and jail operations. The United States accordingly moves to  
17 dismiss this action pursuant to Rule 41(a)(2).

18 In addition, this Court advised the parties by order dated June 3, 2011, that this  
19 action would be dismissed without prejudice on August 2, 2011, unless the United  
20 States filed a motion to postpone dismissal. (Dkt. 62.) The United States advises the  
21 Court that, in light of MCSO's substantial compliance with the Agreement, the United  
22 States will not file a motion to postpone dismissal of this action.

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25 \_\_\_\_\_  
26 <sup>1</sup> The Agreement solely addressed the United States' claims in this action that MCSO  
27 failed to cooperate with the United States' investigation by refusing to provide access  
28 to relevant documents, facilities, and staff. The United States' underlying  
investigation into allegations of discriminatory police practices and jail operations is  
ongoing.

1 Dated: August 1, 2011

Respectfully submitted,

2 United States Department of Justice  
3 Civil Rights Division

4 Thomas E. Perez  
Assistant Attorney General

5 Dennis K. Burke  
6 United States Attorney

7 /s/ Amin Aminfar

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 1, 2011, I electronically transmitted the attached document to the Clerk’s Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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