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

MARTIN H. ESCOBAR,

Plaintiff,

vs.

JAN BREWER, Governor of the State of Arizona in
 her Official and Individual Capacity; TERRY
 GODDARD, the Attorney General of the State of
 Arizona, in his Official and Individual Capacity; the
 CITY OF TUCSON, a municipal corporation; and

No. 4:10-CV-00249-DCB

**WITHDRAWAL OF THE CITIES
 OF FLAGSTAFF AND
 TOLLESON AND TOWNS OF
 SAN LUIS AND SOMERTON'S
 MOTION TO INTERVENE**

1 BARBARA LAWALL, County Attorney, Pima
County,

2 Defendants.

3
4 CITY OF FLAGSTAFF, an Arizona chartered
municipal corporation; CITY OF TOLLESON, an
5 Arizona municipal corporation; CITY OF SAN
LUIS, an Arizona municipal corporation; CITY OF
6 SOMERTON, an Arizona municipal corporation

7 Plaintiff-Intervenors,

8 vs.

9 STATE OF ARIZONA, a body politic; and JAN
BREWER, Governor of the State of Arizona, in her
10 Official and Individual Capacities.

11 Defendants in Intervention.

12
13 In light of this Court's Order of August 31, 2010, dismissing Plaintiff Escobar's
14 First Amended Complaint for lack of standing, the Motion to Intervene by the Cities of
15 Flagstaff, Tolleson and Towns of San Luis and Somerton is now moot. Additionally,
16 the relief sought by these Cities and Towns in the present action has been mooted by the
17 Order on Preliminary Injunction entered by the Court in *United States of America v.*
18 *State of Arizona et al.* on July 28, 2010. Accordingly, the Cities of Flagstaff and
19 Tolleson, and Towns of San Luis and Somerton withdraw their Motion to Intervene, as
20 well as the proposed complaint and proposed Motion for Preliminary Injunction that
21 they lodged to be filed if Intervention were granted.

22 DATED this 7th day of September, 2010.

23
24 MARISCAL, WEEKS, McINTYRE
25 & FRIEDLANDER, P.A.

26 *s/ Noel A. Fidel*

27 _____
28 Noel A. Fidel

HARALSON, MILLER, PITT,
FELDMAN & McANALLY, PLC

s/ Jose de Jesus Rivera

Stanley G. Feldman
José de Jesús Rivera

LAW OFFICES OF DAVID ABNEY

s/ David L. Abney

David L. Abney

Attorneys for Plaintiffs

Original of the foregoing
Electronically filed this 7th day of
September with the:

Clerk of the Court
U. S. District Court
District of Arizona

s/ Jennie Larsen