

CLOSED

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:14-cv-01966-BAH**

ARPAIO v. OBAMA et al
Assigned to: Judge Beryl A. Howell
Case in other court: USCA, 14-05325
Cause: 05:551 Administrative Procedure Act

Date Filed: 11/20/2014
Date Terminated: 12/24/2014
Jury Demand: None
Nature of Suit: 899 Administrative
Procedure Act/Review or Appeal of
Agency Decision
Jurisdiction: U.S. Government Defendant

Plaintiff

JOSEPH M. ARPAIO

represented by **Larry E. Klayman**
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V.

Defendant

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Defendant

JEH CHARLES JOHNSON

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Kathleen Roberta Hartnett
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Defendant

LEON RODRIGUEZ

represented by

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Kathleen Roberta Hartnett
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Defendant

ERIC H. HOLDER, JR.

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Date Filed	#	Docket Text
11/20/2014	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0090-3912973) filed by JOSEPH M. ARPAIO. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Civil Cover Sheet, # <u>5</u> Summons, # <u>6</u> Summons, # <u>7</u> Summons, # <u>8</u> Summons)(Klayman, Larry) (Entered: 11/20/2014)
11/20/2014		Case Assigned to Judge Beryl A. Howell. (sth,) (Entered: 11/21/2014)
11/21/2014	<u>2</u>	SUMMONS (4) Issued Electronically as to ERIC HOLDER, JR., JEH CHARLES JOHNSON, BARACK OBAMA, LEON RODRIQUEZ. (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons)(sth,) (Entered: 11/21/2014)
11/21/2014	<u>3</u>	STANDING ORDER. Signed by Judge Beryl A. Howell on November 21, 2014. (lcbah2) (Entered: 11/21/2014)
11/24/2014		MINUTE ORDER (paperless) DIRECTING the plaintiff to comply with Local Civil Rule 65.1, which requires applications for preliminary injunctions and temporary restraining orders to be made in a motion "separate from the complaint," if the plaintiff intends to seek such extraordinary relief. Signed by Judge Beryl A. Howell on November 24, 2014. (lcbah2) (Entered: 11/24/2014)
11/24/2014	<u>4</u>	REQUEST FOR SUMMONS TO ISSUE by JOSEPH M. ARPAIO re <u>1</u> Complaint, filed by JOSEPH M. ARPAIO. Related document: <u>1</u> Complaint, filed by JOSEPH M. ARPAIO. (Attachments: # <u>1</u> Summons)(Klayman, Larry) (Entered: 11/24/2014)
11/25/2014	<u>5</u>	SUMMONS (2) Issued Electronically as to ERIC HOLDER, JR., BARACK OBAMA, U.S. Attorney and U.S. Attorney General (jf,) (Entered: 11/25/2014)
12/04/2014	<u>6</u>	MOTION for Preliminary Injunction by JOSEPH M. ARPAIO (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L)(Klayman, Larry) (Entered: 12/04/2014)
12/04/2014	<u>7</u>	MOTION for Preliminary Injunction by JOSEPH M. ARPAIO (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L)(Klayman, Larry) (Entered: 12/04/2014)
12/04/2014	<u>8</u>	ORDER Controlling Preliminary Injunction Proceedings. The plaintiff shall, by 5:00 p.m. on December 9, 2014, submit (1) proof of service of the <u>1</u> Complaint and <u>6</u> Motion for Preliminary Injunction; and (2) a joint proposed schedule to govern the preliminary injunction proceedings. See Order for further details. Signed by Judge Beryl A. Howell on December 1, 2014. (lcbah2) (Entered: 12/04/2014)

12/04/2014		Set/Reset Deadlines: Response to Order of the Court due by 5:00 PM on 12/9/2014. (tg,) (Entered: 12/04/2014)
12/05/2014	<u>9</u>	NOTICE <i>Praecipe</i> by JOSEPH M. ARPAIO re <u>8</u> Order, (Attachments: # <u>1</u> Exhibit 1)(Klayman, Larry) (Entered: 12/05/2014)
12/06/2014	<u>10</u>	NOTICE of Appearance by Adam D. Kirschner on behalf of All Defendants (Kirschner, Adam) (Entered: 12/06/2014)
12/06/2014	<u>11</u>	RESPONSE re <u>9</u> Notice (Other) filed by ERIC HOLDER, JR., JEH CHARLES JOHNSON, BARACK OBAMA, LEON RODRIQUEZ. (Kirschner, Adam) (Entered: 12/06/2014)
12/09/2014	<u>12</u>	RESPONSE TO ORDER OF THE COURT re <u>8</u> Order, filed by JOSEPH M. ARPAIO. (Klayman, Larry) (Entered: 12/09/2014)
12/10/2014		MINUTE ORDER (paperless) ISSUING the following SCHEDULING ORDER to control the timing and consideration of the plaintiff's motion for a preliminary injunction. The plaintiff's <u>12</u> Statement on Briefing Scheduling of Motion for Preliminary Injunction indicates that the parties have been unable to agree to a joint briefing schedule and, consequently, under LCvR 65.1, "[t]he opposition shall be served and filed within seven days after service of the application for preliminary injunction." LCvR 65.1 does not provide for the submission of a reply brief. Accordingly, the defendants are directed to file their opposition, including any objections based on "the significant jurisdictional issues raised by plaintiff's lawsuit," to the plaintiff's <u>6</u> Motion for Preliminary Injunction and Request for Oral Argument Thereon by December 15, 2014. The parties shall appear on December 22, 2014 at 9:30 AM, in Courtroom 15, for a hearing regarding the plaintiff's <u>6</u> Motion for Preliminary Injunction and Request for Oral Argument Thereon. Signed by Judge Beryl A. Howell on December 10, 2014. (lcbah2) (Entered: 12/10/2014)
12/10/2014		Set/Reset Deadlines/Hearings: Opposition to <u>6</u> Motion for Preliminary Injunction and Request for Oral Argument Thereon due by 12/15/2014. Hearing on the Motion for Preliminary Injunction scheduled for 12/22/2014 at 9:30 AM in Courtroom 15 before Judge Beryl A. Howell. (tg,) (Entered: 12/10/2014)
12/15/2014	<u>13</u>	Memorandum in opposition to re <u>7</u> MOTION for Preliminary Injunction , <u>6</u> MOTION for Preliminary Injunction filed by ERIC HOLDER, JR., JEH CHARLES JOHNSON, BARACK OBAMA, LEON RODRIQUEZ. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17, # <u>18</u> Exhibit 18, # <u>19</u> Exhibit 19, # <u>20</u> Exhibit 20, # <u>21</u> Exhibit 21, # <u>22</u> Exhibit 22, # <u>23</u> Exhibit 23, # <u>24</u> Exhibit 24, # <u>25</u> Text of Proposed Order)(Kirschner, Adam) (Entered: 12/15/2014)
12/16/2014		MINUTE ORDER (paperless) TO SHOW CAUSE why the defendants' <u>13</u> Memorandum of Points and Authorities in Opposition to Plaintiff's Motion for Preliminary Injunction ("Defs.' Opposition") should not be construed as a motion to dismiss for lack of subject matter jurisdiction under Federal Rule of Civil Procedure 12(b)(1). The defendants shall file a notice with the Court by 12:00 PM on December 17, 2014 explaining whether their opposition should be construed as a motion to dismiss under Rule 12(b)(1). The plaintiff may file a reply in light of the issues raised by Defs.' Opposition by 5:00 PM on December 18, 2014. Signed by Judge Beryl A. Howell on December 16, 2014. (lcbah2) (Entered: 12/16/2014)
12/16/2014		Set/Reset Deadlines: Response to Show Cause due by 12:00 PM on 12/17/2014; Reply due by 5:00 PM on 12/18/2014. (tg,) (Entered: 12/16/2014)
12/16/2014	<u>14</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by JOSEPH M. ARPAIO (Attachments: # <u>1</u> Exhibit 1)(Klayman, Larry) (Entered: 12/16/2014)
12/17/2014	<u>15</u>	NOTICE <i>re Minute Order</i> by ERIC HOLDER, JR., JEH CHARLES JOHNSON, BARACK OBAMA, LEON RODRIQUEZ re Order., (Kirschner, Adam) (Entered: 12/17/2014)
12/17/2014	<u>16</u>	Unopposed MOTION for Extension of Time to File <i>Reply</i> by JOSEPH M. ARPAIO (Klayman, Larry) (Entered: 12/17/2014)

12/17/2014	<u>17</u>	NOTICE of Filing of Request for Live Testimony by JOSEPH M. ARPAIO re <u>7</u> MOTION for Preliminary Injunction (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Klayman, Larry) (Entered: 12/17/2014)
12/18/2014		MINUTE ORDER (paperless) GRANTING the plaintiff's <u>16</u> Unopposed Motion for Extension of Time to File Reply. The plaintiff shall have until 8:00 PM on December 18, 2014 to file his reply. The plaintiff's <u>17</u> Request for Live Testimony is DENIED as the testimony will result in the "needless presentation of cumulative evidence," see LCvR 65(1)(d), since, at this stage of the proceedings, in opposition to the defendants' motion to dismiss, the Court need not make any credibility determinations and must accept as true the factual allegations made by the plaintiff. Any evidence the plaintiff wished the Court to hear by live testimony may be presented instead in a sworn declaration supplementing the plaintiff's previous declaration. See Decl. of Sheriff Joe Arpaio, Ex. G, ECF No. <u>6</u> . Accordingly, the plaintiff has leave to file a supplemental declaration setting forth those facts the plaintiff would have otherwise presented during live testimony by 5:00 PM on December 19, 2014. Signed by Judge Beryl A. Howell on December 18, 2014. (lcbah2) (Entered: 12/18/2014)
12/18/2014		Set/Reset Deadlines: Plaintiff's Reply due by 8:00 PM on 12/18/2014. Plaintiff's Sworn Supplemental Declaration due by 5:00 PM on 12/19/2014. (tg,) (Entered: 12/18/2014)
12/18/2014	<u>18</u>	Unopposed MOTION to Increase Page Limit re Order,, by JOSEPH M. ARPAIO (Klayman, Larry) (Entered: 12/18/2014)
12/18/2014		MINUTE ORDER (paperless) GRANTING the plaintiff's <u>18</u> Unopposed Motion to Increase Page Limit. The plaintiff shall have an additional fifteen pages for his Reply. Signed by Judge Beryl A. Howell on December 18, 2014. (lcbah2) (Entered: 12/18/2014)
12/18/2014	<u>19</u>	REPLY to opposition to motion re <u>7</u> MOTION for Preliminary Injunction filed by JOSEPH M. ARPAIO. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Klayman, Larry) (Entered: 12/18/2014)
12/19/2014	<u>20</u>	NOTICE of Filing of Supplemental Declaration of Sheriff Joe Arpaio, in Support of Plaintiffs Motion for Injunction by JOSEPH M. ARPAIO re Order on Motion for Extension of Time to File,,,, (Attachments: # <u>1</u> Declaration of Sheriff Joe Arpaio, In Support of Plaintiff's Motion for Injunction)(Klayman, Larry) (Entered: 12/19/2014)
12/21/2014	<u>21</u>	NOTICE of Filing of Document to be Included as Part of Exhibit 5 by JOSEPH M. ARPAIO re <u>20</u> Notice (Other), (Attachments: # <u>1</u> Exhibit)(Klayman, Larry) (Entered: 12/21/2014)
12/21/2014	<u>22</u>	NOTICE of Appearance by Kathleen Roberta Hartnett on behalf of All Defendants (Hartnett, Kathleen) (Entered: 12/21/2014)
12/22/2014		Minute Entry for proceedings held before Judge Beryl A. Howell: Hearing on a Motion for Preliminary Injunction held on 12/22/2014. (Court Reporter Barbara DeVico.) (tg,) (Entered: 12/22/2014)
12/23/2014	<u>23</u>	MEMORANDUM OPINION regarding the plaintiff's <u>6</u> , <u>7</u> Motion for Preliminary Injunction and the defendants' Motion to Dismiss for lack of subject matter jurisdiction. Signed by Judge Beryl A. Howell on December 23, 2014. (lcbah3) (Entered: 12/23/2014)
12/23/2014	<u>24</u>	ORDER GRANTING the defendants' Motion to Dismiss for lack of subject matter jurisdiction and DENYING the plaintiff's <u>6</u> , <u>7</u> Motion for Preliminary Injunction. The Clerk of the Court is directed to close the case. See Order for further details. Signed by Judge Beryl A. Howell on December 23, 2014. (lcbah3) (Entered: 12/23/2014)
12/23/2014	<u>25</u>	NOTICE OF APPEAL TO DC CIRCUIT COURT as to <u>23</u> Memorandum & Opinion, <u>24</u> Order, by JOSEPH M. ARPAIO. Filing fee \$ 505, receipt number 0090-3945815. Fee Status: Fee Paid. Parties have been notified. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Klayman, Larry) (Entered: 12/23/2014)
12/24/2014	<u>26</u>	Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The Court of Appeals fee was paid this date re <u>25</u> Notice of Appeal to DC Circuit Court. (rdj) (Entered: 12/24/2014)

12/29/2014		USCA Case Number 14-5325 for <u>25</u> Notice of Appeal to DC Circuit Court, filed by JOSEPH M. ARPAIO. (rd) (Entered: 12/29/2014)
12/29/2014	<u>27</u>	TRANSCRIPT OF PROCEEDINGS before Judge Beryl A. Howell held on 12-22-14; Page Numbers: 1-60. Date of Issuance:12-29-14. Court Reporter/Transcriber Barbara DeVico, Telephone number 202-354-3118, Court Reporter Email Address : Barbara_DeVico@dcd.uscourts.gov.<P></P>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed or ASCII) may be purchased from the court reporter.<P> NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at ww.dcd.uscourts.gov.<P></P> Redaction Request due 1/19/2015. Redacted Transcript Deadline set for 1/29/2015. Release of Transcript Restriction set for 3/29/2015.(DeVico, Barbara) (Entered: 12/29/2014)
09/08/2015	<u>28</u>	MANDATE of USCA (certified copy) as to <u>25</u> Notice of Appeal to DC Circuit Court, filed by JOSEPH M. ARPAIO. ORDERED and ADJUDGED that the judgment of the District Court appealed from in this cause is hereby affirmed, in accordance with the opinion of the court filed herein this date. USCA Case Number 14-5325. (md) (Entered: 09/08/2015)