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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Muni Fred HARRIS, et al.,	)	No. CV-75-185-PHX-SMM
	)	
Plaintiffs,	)	<b>ORDER</b>
	)	
v.	)	
	)	
Harold J. CARDWELL, et al.,	)	
	)	
Defendants.	)	
_____	)	

Pending before the Court are several outstanding motions due to the maturity of this case: (1) Defendants' Motion to Terminate Consent Decree Order [Doc. No. 868] , (2) Plaintiffs' Motion to Re-Open and For Enforcement of Consent Decree and Permanent Injunction [Doc. No. 869], (3) Motion to Enforce the Judgment filed by Rick A. Foley on April 4, 1997 [Doc No. 872], and (4) Motion for Clarification filed by Antonneo R. Boyce on June 9, 2005 [Doc. No. 904]. The Court will address the Motions in turn.

**A. Defendants' Motion to Terminate Consent Decree Order and Plaintiffs' Motion to Re-Open and For Enforcement of Consent Decree and Permanent Injunction**

In an Order dated May 26, 1982, an Amended Judgment was entered by this Court pursuant to negotiations of the parties (the "Consent Decree Order"). [Doc. No. 812] On September 3, 1996, Defendants filed a Motion to Terminate Consent Decree Order. [Doc. No. 868] This Court stayed that Motion pending a decision by the Arizona Supreme Court regarding the Constitutional Defense Council's attempt to intervene in this action on behalf of the State of Arizona in an Order dated October 22, 1996. [Doc. No. 870] On October 17, 1996, Plaintiffs

1 filed a Motion to Re-Open and For Enforcement of Consent Decree and Permanent Injunction.  
2 [Doc. No. 869] In an Order dated October 22, 1996, this Court stayed that Motion pending the  
3 resolution of Defendants' Motion to Terminate Consent Decree Order. [Doc. No. 871]

4 Due to the passage of time and the change in law, the Motions will be denied without  
5 prejudice with leave to re-assert.

6 **B. Foley's Motion to Enforce the Judgment and Boyce's Motion for Clarification**

7 Mr. Foley and Mr. Boyce are members of the class of inmates affected by the Consent  
8 Decree, and as such are represented by counsel. Therefore, Mr. Foley and Mr. Boyce cannot  
9 file papers on their own behalf in this matter. See Rule 83.3(c)(2) of the Rules of Practice of  
10 the United States District Court for the District of Arizona. According to the Court's records,  
11 class counsel is Alice L. Bendheim, Esq. Ms. Bendheim's address is 3626 E. Coolidge St.,  
12 Phoenix, AZ, 85018.

13

14 Accordingly,

15 **IT IS ORDERED** that the Clerk of Court shall strike the Motion for Clarification, filed  
16 on June 9, 2005 by Antonneo R. Boyce [Doc. No. 904], from the record and return it to Mr.  
17 Boyce along with a copy of this Order.

18 **IT IS FURTHER ORDERED** that the Clerk of Court shall strike the Motion to Enforce  
19 the Judgment, filed on October 17, 1996 by Rick A. Foley [Doc. No. 872], from the record and  
20 return it to Mr. Foley along with a copy of this Order.

21 **IT IS FURTHER ORDERED** that Clerk of Court shall send copies of this Order to all  
22 counsel of record.

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**IT IS FURTHER ORDERED** that the pending motions in this case, Defendants' Motion to Terminate Consent Decree Order [Doc. No. 868] and Plaintiffs' Motion to Re-Open and For Enforcement of Consent Decree and Permanent Injunction [Doc. No. 869], are denied without prejudice.

DATED this 26th day of October, 2005.

  
\_\_\_\_\_  
Stephen M. McNamee  
Chief United States District Judge