	Case 2:07-cv-02513-GMS Document 1239	Filed 08/13/15	Page 1 of 3
1 2 3 4 5			
6	IN THE UNITED STATES DISTRICT COURT		
7	FOR THE DISTRICT OF ARIZONA		
8 9 10	Manuel de Jesus Ortega Melendres, on behalf of himself and all others similarly situated; et al.	No. CV-07-25 ORDER	13-PHX-GMS
11	Plaintiffs,		
12	V.		
13	Joseph M. Arpaio, in his official capacity as Sheriff of Maricopa County, Arizona; et al.		
14	Defendants.		
15			
16	Pending before the Court is the United States Department of Justice, Civil Rights		
17	Division's Motion to Intervene. (Doc. 1177.) The United States has moved to intervene		
18 10	under Federal Rule of Civil Procedure 24(a)(1) and under the specific authority of § 902		
19 20	of Title IX of the Civil Rights Act of 1964, which provides:		
20 21	Whenever an action has been commenced in any court of the United States seeking relief from the denial of equal protection of the laws under the Fourteenth Amendment to		
22	the Constitution on account of	race, color, rel	igion, sex or
23	national origin, the Attorney Ge United States may intervene application if the Attorney Gene	in such action	upon timely
24	general public importance.	and certifies that	
25	42 U.S.C. § 2000h–2. Upon the filing of a timely motion, the United States' right to		
26	intervene pursuant to Rule 24(a)(1) and § 902 "is an absolute and not a permissive one."		
27	Spangler v. United States, 415 F.2d 1242, 1244 (9th Cir. 1969); accord Carter v. Sch. Bd.		
28	of W. Feliciana Parish, 569 F. Supp. 568, 57	'1 (M.D. La. 198	33) (recognizing that § 902

grants the U.S. Attorney General "an unconditional right to intervene in those cases which he certifies are of general public importance"); Wright & Miller, 7C Fed. Prac. & Proc. Civ. § 1906 (3d ed.) ("The United States also has an unconditional statutory right to intervene in actions seeking relief from the denial of equal protection of the laws under the Fourteenth Amendment to the Constitution on account of race, color, religion, or national origin.").

7 This case involves, in part, Defendants' denial of equal protection of the laws 8 under the Fourteenth Amendment to the U.S. Constitution on account of individuals' race 9 or national origin, and providing relief therefrom. The Attorney General has also certified that this case is one of general public importance. (Doc. 1177, Ex. 3.) Thus, the Court 10 must permit intervention under the Civil Rights Act of 1964 so long as the United States' 11 12 application was timely. Fed. R. Civ. P. 24(a)(1). For the reasons stated by the United 13 States in their Motion, the Court finds that this requirement has been met. (Doc. 1177 at 14 7-13); NAACP v. New York, 413 U.S. 345, 365-66 (1973) ("Timeliness is to be 15 determined from all the circumstances."); United States v. Oregon, 745 F.2d 550, 552 16 (9th Cir. 1984) (findings courts should consider the stage of the proceeding, the prejudice 17 to other parties, and the reason for and length of the delay).

No party has raised objections to the United States' intervention, and granting the
Motion advances the underlying purpose of § 902, promoting "the strong public interest
in obtaining compliance with the equal protection clause of the [C]onstitution." *Spangler*,
415 F.2d at 1246. Further, the interests in ensuring the effective enforcement of civil
rights laws, conserving the resources of the judiciary and Defendants, and mitigating the
risk of duplicative or inconsistent injunctive decrees all favor permitting intervention in
this case.

25 ///

1

2

3

4

5

6

- 26 ///
- 27 ///
- 28 ///

	Case 2:07-cv-02513-GMS Document 1239 Filed 08/13/15 Page 3 of 3
1	IT IS THEREFORE ORDERED that the United States' Motion to Intervene
2	(Doc. 1177) is hereby GRANTED .
3	Dated this 13th day of August, 2015.
4	& Musing Sect
5	A. Mussay Such Honorable G. Murray Snow United States District Judge
6	United States District Judge
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	