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12 IN THE UNITED STATES DISTRICT COURT FOR THE
13 DISTRICT OF ARIZONA
14

15 United States of America,

16 Plaintiff,

17 v.

18 Maricopa County, Arizona; Maricopa
19 County Sheriff's Office; and Joseph M.
20 Arpaio, in his official capacity as Sheriff of
21 Maricopa County, Arizona,

22 Defendants.

No. 2:12-cv-00981-ROS

**UNITED STATES' RESPONSE IN
OPPOSITION TO MOTION TO
INTERVENE BY JONATHAN
RICHES**

23
24 The United States opposes the Motion to Intervene ("Motion") by Jonathan Lee
25 Riches ("Riches") because the Motion fails to satisfy the substantive requirements of
26 Federal Rule of Civil Procedure 24 ("Rule 24") and falls within a pattern of frivolous
27 federal court filings by the movant.
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1 BACKGROUND

2 On May 10, 2012, the United States filed its Complaint in this case alleging
3 widespread violations of constitutional and federal rights by the Defendants.
4 Specifically, the Complaint seeks relief from: (1) law enforcement practices involving
5 intentional discrimination on the basis of race, color, and national origin in violation of
6 the Due Process and Equal Protection Clauses of the Fourteenth Amendment of the
7 United States Constitution; (2) law enforcement practices involving unreasonable
8 searches, arrests, and detentions of persons without probable cause or reasonable
9 suspicion in violation of the Fourth Amendment; (3) unjustified law enforcement
10 practices that have a disparate impact on, and involve intentional discrimination against,
11 Latinos in violation of Title VI of the Civil Rights Act of 1964 and the federal regulations
12 implementing Title VI; (4) discrimination against limited English proficient prisoners in
13 the Defendants' jails in violation of Title VI and the Title VI regulations; (5) violations of
14 the contractual assurances that the Defendants' made in accepting federal funding and
15 that committed the Defendants to complying with the non-discrimination requirements of
16 Title VI; and (6) a pattern or practice of First Amendment violations consisting of
17 retaliation against persons who criticized the Defendants' policies. Defendants in this
18 matter are represented by counsel.

19 Riches filed his Motion to Intervene on June 1, 2012. The Motion fails to allege
20 any protectable interest in this case and any shared issues of law or fact. Instead, the
21 Motion includes information regarding Riches' incarceration in federal prison, his
22 support for Defendants as "the lesser of two evils," and the assertion that he has filed the
23 most lawsuits "in the history [sic] of mankind." Motion to Intervene, Doc. 23, at 1.

24 ANALYSIS

25 Riches' two-page Motion asserts, without any legal or factual support, that he is
26 entitled to intervention as of right and permissive intervention in accordance with Rule
27 24(a) and (b), respectively. The Motion should be denied. Riches is not entitled to
28 intervention of right because he does not assert an interest related to this case. See

1 R. 24(a). He does not qualify for permissive intervention because he does not assert a
2 claim that shares a common question of law or fact with this action. See R. 24(b)(1).
3 Riches' Motion is but the latest in a long history of unsupported and frivolous federal
4 filings by the movant, for which he was previously censured by another Federal District
5 Court.

6 I. Riches Is Not Entitled to Intervention of Right.

7 Rule 24(a) entitles a person to intervene who claims an interest relating to the
8 property or transaction that is the subject of the action and is so situated that "disposing
9 of the action may . . . impair or impede the movant's ability to protect its interest."

10 R. 24(a)(2). To qualify, the movant must show, among other things, that the movant "has
11 a 'significant protectable interest' relating to the property or transaction that is the subject
12 of the action" and "the disposition of the action may, as a practical matter, impair or
13 impede the applicant's ability to protect its interest" Donnelly v. Glickman, 159
14 F.3d 405, 409 (9th Cir. 1998). A movant has a "significant protectable interest" in an
15 action if the movant "asserts an interest that is protected under some law," and "there is a
16 'relationship' between its legally protected interest and the plaintiff's claims." United
17 States v. City of Los Angeles, 288 F.3d 391, 398 (9th Cir. 2002). "An applicant
18 generally satisfies the 'relationship' requirement only if the resolution of the plaintiff's
19 claims actually will affect the applicant." Arakaki v. Cayetano, 324 F.3d 1078, 1084 (9th
20 Cir. 2003). According to his Motion, Riches seeks not to protect an interest, but to
21 present evidence concerning federal immigration detention practices. See Motion to
22 Intervene, Doc. 23, at 1. To the extent that he raises an interest in seeking relief from
23 practices of the Federal Bureau of Prisons, that interest would not be affected by this
24 case. Riches therefore has failed to demonstrate his entitlement to intervention under
25 Rule 24(a).

26 II. Riches Does Not Qualify for Permissive Intervention.

27 Rule 24(b) permits intervention if a federal statute explicitly allows for it or if a
28 movant "has a claim or defense that shares with the main action a common question of

1 law or fact.” R. 24(b)(1). If a movant presents a “common question,” the court “must
2 consider whether the intervention will unduly delay or prejudice the adjudication of the
3 original parties’ rights.” R. 24(b)(3). No statute would permit intervention here, and
4 Riches’ does not assert a claim that shares a “common question of law or fact” with this
5 case. At most, Riches alleges that the Federal Bureau of Prisons subjects inmates to “non
6 proper” care concerning their medical, dental, and dietary needs. Motion to Intervene,
7 Doc. 23, at 2. But the Bureau of Prisons is not a party to this case, and the Motion does
8 not otherwise detail any facts or incidents that bear any relation to the claims at issue
9 here. Any factual and legal questions raised by Riches’ Motion are wholly distinct from
10 those at issue in this case.

11 III. Riches’ Motion to Intervene is Frivolous.

12 Finally, Riches’ Motion is frivolous and falls within a pattern of behavior for
13 which Riches was previously censured by a Federal court. On October 18, 2010, the
14 United States District Court of the Eastern District of Kentucky granted a motion by the
15 United States for injunctive relief to prevent Riches from filing “frivolous and vexatious
16 filings.” Opinion and Order Granting Permanent Injunction, United States v. Riches, No.
17 5:10-CV-322 (E.D. Ky. Oct. 18, 2010). In reaching its conclusion, the Eastern District of
18 Kentucky cited the fact that Riches had filed “more than three thousand cases in district
19 courts across the country” asking to intervene or seeking relief. Id. at *1. In 2008, the
20 Eastern District of Kentucky referred to him as an “abuser of the judicial system” due to
21 frivolousness or maliciousness of his filings. Riches v. Hughes, 2008 WL 2478229 at *2
22 (E.D. Ky. 2008). Riches’ Motion in this case represents yet another needless expenditure
23 of judicial resources.

24 **CONCLUSION**

25 Riches has not claimed a “significant protectable interest” that would entitle him
26 to intervention of right, nor does he raise a claim that shares a question of law or fact with
27 this matter. The United States therefore respectfully requests that the Court deny the
28 Motion to Intervene.

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Respectfully,

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CERTIFICATE OF SERVICE

I certify that on or about June 13, 2012, a true and correct copy of the foregoing pleading was served on the following persons by the Court's Case Management and Electronic Case Filing System or by Federal Express delivery:

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