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| OCT 28 2015 <i>fr</i>                           |                                |
| CLERK U S DISTRICT COURT<br>DISTRICT OF ARIZONA |                                |
| BY _____  | DEPUTY                         |

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

1  
2 MANUEL de JESUS ORTEGA  
3 MELENDRES,  
4 on behalf of himself and all others similarly  
situated; *et al.*

Plaintiff,

v.

Civil Action No.  
CV-07-2513-PHX-GMS

6 JOSEPH M. ARPAIO, in his individual  
7 And official capacity as Sheriff of Maricopa  
County, Arizona; *et al.*

Defendants

**MOTION FOR EXTENSION OF TIME TO RETAIN COUNSEL**

11 I, Michael Zullo, move this court pro se for a thirty day extension of time to make  
12 arrangements with Maricopa County to pay for me to retain counsel in this civil case, as the lawyers  
13 for the County, who claim to be representing Sheriff Joseph Arpaio, have just informed me that they  
14 have never and are not representing me, despite their having said so in the past and mislead me in  
15 this regard.  
16

17 Thus, I need time to work out with the County paying for representation by another  
18 counsel who is independent and will do the right thing, as the lawyers for the County in my opinion  
19 not only have violated rules of ethics and my constitutional rights, but have failed to take actions  
20 that were necessary to protect my interests. Plain and simple, these lawyers have violated my  
21 constitutional rights.  
22

23 These counsel for the County had no authority to make any representations which relate  
24 to me at the hearings of the last few days in particular. I have thus asked them to send to me today a  
25 copy of the transcripts of these hearings, so I can give them to counsel that I have consulted with  
26 who is considering whether to represent me. They have not sent these transcripts to me despite  
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1 apparently making statements against my interests and instead intended to protect themselves and  
2 avoid the wrath of this Court.

3 My rights Fourth, Fifth and Sixth Amendment rights have been compromised by  
4 counsel for the County and I now need to protect my interests with separate counsel. In addition to  
5 violating my Fourth and Fifth Amendment rights, my Sixth Amendment right to counsel has been  
6 violated.

7 I understand that the Court had ordered the counsel for the County to prepare a log of  
8 the documents that I turned over to them believing, based on their representations, that they were  
9 representing me, but now that I have been informed that they do not and have not represented me  
10 throughout this case, they have no authority to take any action on my behalf. I do not consent to  
11 them listing or turning over documents that they have obtained improperly from me to give to the  
12 Court and the Plaintiffs who have threatened me.

13 The lawyer that I had consulted and who is considering whether or not to represent me  
14 in this civil case, is lawyer who will not be affected or influenced by the poisonous politics of  
15 Phoenix, Arizona, informed me of a case that stands for the view that I am not required to produce a  
16 list of and the documents and things to the Court at this time, given my rights related to self-  
17 incrimination and other constitutional rights. On a number of occasions, this Court, agreeing with  
18 the Plaintiffs, has said that it is considering referring this on-going case to the U.S. Attorney for  
19 criminal prosecution. The Court's statements and conduct shows and tells me that this is its  
20 objective. The Plaintiffs and their counsel have threatened me, a witness in this case, with having  
21 committed crimes in their pleadings, and this Court has apparently given credence to their  
22 assertions, as it is conducting what is an investigatory proceeding on matters that have nothing to do  
23 with the allegations of contempt toward Sheriff Arpaio and his office in allegedly violating a prior  
24 court order on profiling of illegal immigrants, of which I have no involvement. The case I am talking  
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1 about is *United States v. Hubbell*, 530 U.S. 27 (2000), and involves the United States Supreme  
2 Court. In this case, the justices ruled on issues identical to what is involved here:

3 The two questions presented concern the scope of a witness' protection  
4 against compelled self-incrimination: (1) whether the Fifth Amendment  
5 privilege protects a witness from being compelled to disclose the existence  
6 of incriminating documents that the Government is unable to describe with  
7 reasonable particularity; and (2) if the witness produces such documents  
8 pursuant to a grant of immunity, whether 18 U.S.C. § 6002 prevents the  
9 Government from using them to prepare criminal charges against him.

10 \*\*\*

11 [w]e have also made it clear that the act of producing documents in  
12 response to a subpoena may have a compelled testimonial aspect. We have  
13 held that 'the act of production' itself may implicitly communicate  
14 'statements of fact.' By 'producing documents in compliance with a  
15 subpoena, the witness would admit that the papers existed, were in his  
16 possession or control, and were authentic.' Moreover, as was true in this  
17 case, when the custodian of documents responds to a subpoena, he may be  
18 compelled to take the witness stand and answer questions designed to  
19 determine whether he has produced everything demanded by the  
20 subpoena. The answers to those questions, as well as the act of production  
21 itself, may certainly communicate information about the existence,  
22 custody, and authenticity of the documents. Whether the constitutional  
23 privilege protects the answers to such questions, or protect the act of  
24 production itself, is a question that is distinct from the question whether  
25 the unprotected contents of the documents themselves are incriminating.

17 *Id.* at 30, 37.

18 As a result, I respectfully ask the court to allow me 30 days to consult with the County  
19 and to retain counsel in this case to protect my interests. I cannot hire a lawyer if he is not assured  
20 of payment with regard to what this Court has decided to make a very complicated and contentious  
21 case. The County and its lawyers have incurred considerable liability to me and I trust, preserving  
22 my rights to take appropriate legal actions to try to remedy their ethical violations if necessary, that  
23 they will now take concrete and quick steps to allow me to protect my constitutional rights by  
24 paying for independent counsel that I must now retain.  
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Michael Zullo Pro Se

I certify that on October 28, 2015, I mailed and emailed this document to to these lawyers:

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