

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

)	
UNITED STATES OF AMERICA,)	
)	CIVIL NO: 1:14-CV-1025-RB-SMV
Plaintiff,)	
)	
v.)	JOINT PROPOSED ORDER
)	INVITING THE SUBMISSION
THE CITY OF ALBUQUERQUE,)	OF BRIEFS BY AMICUS
)	CURIAE
Defendant.)	
)	

Having considered the Parties’ Joint Motion Requesting Approval and Entry of the Settlement Agreement as an Order (Dkt. #9), the Court finds that the Settlement Agreement (Dkt. #9-1) entered into by the Parties is the product of good-faith, arms-length negotiations that will further the public interest by promoting constitutional and effective policing in the City of Albuquerque. The Court also recognizes the strong policy in this circuit favoring the voluntary settlements of disputes, *Grady v. De Ville Motor Hotel, Inc.*, 415 F.2d 449, 451 (10th Cir. 1969), particularly when a government agency committed to protecting the public interest is involved in crafting the settlement’s terms, *Colorado v. City and County of Denver*, No. 10-cv-1303, 2010 U.S. Dist. LEXIS 112685, *11 (D. Colo. Oct. 22, 2010) (quoting *United States v. Cannons Engineering Corp.*, 899 F.2d 79, 84 (1st Cir. 1990)). The Court also recognizes the broad public outreach that both Parties have engaged in during the course of this matter, including a public meeting of the Albuquerque City Council on November 6, 2014, where those in support of and opposed to the Settlement Agreement were heard, and where the Settlement Agreement received the unanimous support of the Council. Accordingly, the Court provisionally approves the

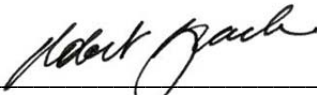
Settlement Agreement as a fair, adequate, and reasonable resolution to the Department of Justice's pattern or practice investigation of the Albuquerque Police Department under the Violent Crime Control and Law Enforcement Act, 42 U.S.C. § 14141.

Before the Court issues its final approval of the Settlement Agreement and enters it as an order of the Court, and to provide interested parties with an opportunity to express their views on the Settlement Agreement, the Court hereby invites the submission of briefs by amicus curiae for the Court's consideration as follows:

Any bona fide governmental, non-profit, or private entity (i.e. State, Commonwealth, or U.S. territory or subdivision thereof, police union or association, civil rights organization, etc.), duly represented by counsel that is admitted to this Court, is hereby invited to file an amicus brief no longer than 15 pages on or before January 14, 2015.

Those submitting briefs are invited to argue their positions at a hearing for that purpose to be held in Albuquerque on January 21, 2015, for the purpose of giving the Court and the Parties the best possible perspective on their concerns and arguments.

SO ORDERED, this 17 day of December, 2014.



HONORABLE ROBERT C. BRACK
UNITED STATES DISTRICT JUDGE
DISTRICT OF NEW MEXICO

Respectfully submitted this 15th day of December, 2014,

For Plaintiff UNITED STATES OF AMERICA:

DAMON P. MARTINEZ
United States Attorney
District of New Mexico

VANITA GUPTA
Acting Assistant Attorney General
Civil Rights Division

ELIZABETH MARTINEZ
Executive Assistant United States Attorney

MARK KAPPELHOFF
Deputy Assistant Attorney General

MICHAEL HOSES
Assistant United States Attorney
Chief, Civil Division

JONATHAN SMITH
Chief
Special Litigation Section

RUTH F. KEEGAN
Assistant United States Attorney
U.S. Attorney's Office
District of New Mexico
P.O. Box 607
Albuquerque, NM 87103
Telephone: (505) 346-7274
Facsimile: (505) 346-7296
Email: Ruth.F.Keegan@usdoj.gov

LUIS E. SAUCEDO
Counselor to the Chief
COREY SANDERS
PAUL KILLEBREW
Trial Attorneys
Special Litigation Section
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Telephone: (202) 305-3229
Facsimile: (202) 514-4883
Email: corey.sanders@usdoj.gov

Attorneys for the Plaintiff

For Defendant CITY OF ALBUQUERQUE:

DAVID TOUREK
City Attorney

SCOTT GREENWOOD
Attorney for the City of Albuquerque