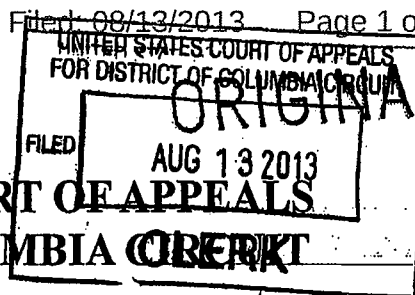


USCA Case #13-1237

Document #1451459

Filed: 08/13/2013 Page 1 of 7



No. \_\_\_\_\_

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA**

THE STATE OF ARIZONA,

*Petitioner,*

—vs—

ERIC H. HOLDER, JR.,  
IN HIS OFFICIAL CAPACITY AS  
ATTORNEY GENERAL OF THE UNITED  
STATES,

*Respondent.*

**13-1237**

**PETITION FOR REVIEW**

The State of Arizona hereby petitions the Court for review of the decision of Attorney General Holder dated July 16, 2013 (copy attached as Exhibit 1).

THOMAS C. HORNE  
ATTORNEY GENERAL OF ARIZONA

ROBERT L. ELLMAN  
SOLICITOR GENERAL

JEFFREY A. ZICK  
CHIEF COUNSEL

*s/ Michele Lee Forney*  
MICHELE LEE FORNEY

ASSISTANT ATTORNEY GENERAL  
(COUNSEL OF RECORD)

1275 WEST WASHINGTON ST.  
PHOENIX, ARIZONA 85007-2997

TELEPHONE: (602) 542-4686

CADOCKET@AZAG.GOV

*Attorneys for the State of Arizona*

**Certificate of Service**

I hereby certify that on this 12th day of August, 2013, I sent a copy of this  
Petition for Review by first class mail to:

Hon. Eric H. Holder, Jr.  
Attorney General of the United States  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

  
MICHELE LEE FORNEY  
Counsel for Petitioner

# Exhibit 1



## U.S. Department of Justice

---

Washington, D.C. 20530

RECEIVED

JUL 19 2013

ATTORNEY GENERAL  
EXECUTIVE OFFICE

JUL 16 2013

The Honorable Tom Horne  
Attorney General  
Office of the Attorney General  
State of Arizona  
1275 West Washington Street  
Phoenix, AZ 85007-2926

Dear General Horne:

This responds to your letter to the Attorney General dated April 18, 2013, requesting certification of the State of Arizona under 28 U.S.C. § 2265.

The Department has been and remains engaged in a rulemaking process in connection with the requirements of Section 2265. See *Certification Process for State Capital Counsel System*, 76 Fed. Reg. 11705 (Notice of Proposed Rulemaking, or NPRM); *Certification Process for State Capital Counsel System*, 77 Fed. Reg. 7559 (Supplemental Notice of Proposed Rulemaking, or SNPRM). The NPRM proposed a certification procedure by which the Department would solicit and consider public comments on any request for certification with the goal of enabling the Attorney General to make sound certification decisions on the basis of a robust record that takes into account views of all interested parties. The NPRM also proposed defining, within reasonable bounds, Chapter 154's requirements for certification, in part to provide notice to interested parties of the standards that the Attorney General would apply in making certification decisions.

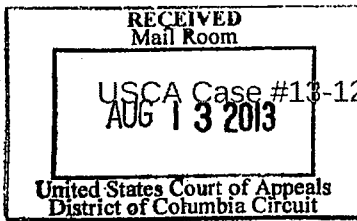
In formulating the final rule, the Department has given careful consideration to the comments submitted by interested parties. We continue to make progress on the rulemaking—as our recent submission of the final rule for review under Executive Order 12866 indicates. We expect that the final rule will be issued in the near future. In the meantime, the Department will begin reviewing now Arizona's request for certification on the expectation that it may help speed up the ultimate determination of the certification you requested. As part of that review, we will seek to ascertain whether there is any additional information that you can provide now, even though it may not be possible for us to immediately determine all information that is needed.

While we cannot provide at this time a precise date certain by which a decision will be made, please do not hesitate to contact this office should you or another attorney in your office have any questions about the status of the Department's progress in this area. If there is any updated information we are then in a position to provide, we will be glad to provide it.

Sincerely,

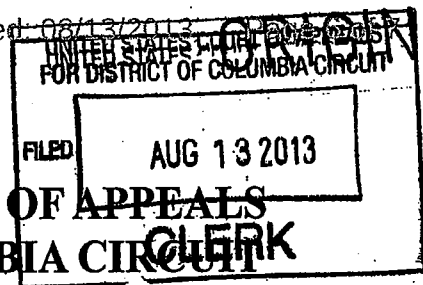
A handwritten signature in black ink, appearing to read "Alexa Chappell". The signature is fluid and cursive, with the first name "Alexa" written in a smaller, more compact script and the last name "Chappell" in a larger, more prominent script.

Alexa Chappell  
Intergovernmental Liaison



Document #1451459

Filed: 08/13/2013



No. \_\_\_\_\_

IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

THE STATE OF ARIZONA,

*Petitioner,*

—vs—

ERIC H. HOLDER, JR.,  
IN HIS OFFICIAL CAPACITY AS  
ATTORNEY GENERAL OF THE UNITED  
STATES,

*Respondent.*

13-1237


RULE 26.1  
DISCLOSURE STATEMENT

Petitioner State of Arizona is a governmental party and thereby exempt from the disclosure requirement of District of Columbia Circuit Rule 26.1.

THOMAS C. HORNE  
ATTORNEY GENERAL OF ARIZONA

ROBERT L. ELLMAN  
SOLICITOR GENERAL

JEFFREY A. ZICK  
CHIEF COUNSEL

  
MICHELE LEE FORNEY  
ASSISTANT ATTORNEY GENERAL  
(COUNSEL OF RECORD)  
1275 WEST WASHINGTON ST.  
PHOENIX, ARIZONA 85007-2997  
TELEPHONE: (602) 542-4686  
CADOCKET@AZAG.GOV

*Attorneys for the State of Arizona*

**Certificate of Service**

I hereby certify that on this 12th day of August, 2013, I sent a copy of this Rule 26.1 Disclosure Statement by first class mail to:

Hon. Eric H. Holder, Jr.  
Attorney General of the United States  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

  
MICHELE LEE FORNEY  
Counsel for Petitioner