

1 Stacy Scheff
LAW OFFICE OF STACY SCHEFF
2 P.O. Box 40611, Tucson, AZ 85717-0611
(520) 471-8333 • FAX (520) 300-8033
3 stacy.scheff@gmail.com
State Bar No. 028364
4 *Counsel for Plaintiff*

5 **DISTRICT COURT FOR THE UNITED STATES**
6 **DISTRICT OF ARIZONA**

6 Keith Ranieri,

7 Plaintiff,

8 v.

9 Merrick Garland, US Attorney General;
Michael Carvajal, Director Federal Bureau
10 of Prisons; Barbara VonBlankensee,
Warden USP Tucson, Anthony Gallion (all
11 in their official capacities),

12 Defendants

Case No.: 4:22-cv-00212-RCC-PSOT

**MOTION FOR TEMPORARY
RESTRAINING ORDER**
(Expedited Consideration Requested)
(Hearing Requested)

13 Plaintiff, pursuant to Fed.R.Civ.P. 65(b)(1), moves for a temporary restraining
14 order against prison administrator Defendants, who are unlawfully hindering and
15 obstructing Plaintiff’s First and Sixth Amendment rights to communicate via telephone
16 with his power-of-attorney and paralegal Suneel Chakravorty, in the lead-up to the 3-year
17 deadline for post-conviction relief petitions based on newly-discovered evidence on June
18 19, 2022. Specifically, Plaintiff seeks an **urgent** injunction reinstating communications
19 with Mr. Suneel Chakravorty, who is Plaintiff’s Power-of-Attorney and a paralegal to
20 Plaintiff’s post-conviction attorneys.

21 //

22 //

1 **BACKGROUND**

2 Plaintiff refers the Court to his Motion for Preliminary Injunction at Doc. 7 for the
3 factual background for this Motion.

4 **LEGAL STANDARD**

5 A TRO may be granted without written or oral notice to the adverse party only if
6 (1) it clearly appears that immediate and irreparable injury, loss, or damage will result
7 to the applicant before the adverse party or that party's attorney can be heard in
8 opposition, and (2) the applicant's attorney certifies to the court in writing the efforts, if
9 any, which have been made to give the notice and the reasons supporting the claim that
10 notice should not be required. Every [TRO] granted without notice shall... define the
11 injury and state why it is irreparable and why the order was granted without notice.
12 F.R.Civ.P. 65(b)(1).

13 In *Granny Goose Foods, Inc. v. Teamsters*, 415 U.S. 423, 94 S.Ct. 1113, 39
14 L.Ed.2d 435 (1974), the Supreme Court explained that circumstances justifying the
15 issuance of an *ex parte* order are extremely limited:

16 The stringent restrictions imposed... by Rule 65 on the
17 availability of *ex parte* temporary restraining orders reflect
18 the fact that our entire jurisprudence runs counter to the
19 notion of court action taken before reasonable notice and an
20 opportunity to be heard has been granted both sides of a
21 dispute. *Ex parte* temporary restraining orders are no doubt
22 necessary in certain circumstances, but under federal law they
should be restricted to serving their underlying purpose of
preserving the status quo and preventing irreparable harm just
so long as is necessary to hold a hearing, and no longer.

Id. at 438-39, 94 S.Ct. 1113 (internal citation omitted).

1 Here, both prongs of the Rule are met: Undersigned certifies that all Defendants
2 have been served with the First Amended Complaint (Doc.3), the Motion for
3 Preliminary Injunction (Doc. 7), and the Court's Order at Doc. 9. See Docs. 10-12. On
4 May 23, 2022, undersigned counsel conferred with attorneys for the U.S. Department of
5 Justice, Michael Ambri and Denise Faulk, and sent courtesy copies of all these
6 documents via email. Exhibit 1, attached.

7 Therefore, Defendants have actual notice of the Complaint and Motion.
8 Additional notice should not be required because it is apparent that Defendants intend
9 to delay their response until the harm has been done, and the F.R.Crim.P. Rule 33
10 deadline has passed.

11 On Monday, June 6, 2022, undersigned was able to visit with Plaintiff in person.
12 Mr. Raniere articulated the urgency of the situation: Plaintiff's criminal defense attorney
13 Joseph Tully, is in the process of drafting several *additional* post-conviction relief
14 motions based on newly-discovered evidence, which must be filed before June 19,
15 2022, including *Brady* violations by the government, ineffective assistance of counsel,
16 witness tampering/intimidation, and perjury.

17 Mr. Tully needs Mr. Chakravorty's assistance to perform essential and
18 irreplaceable paralegal services for these motions. Mr. Chakravorty is extremely
19 familiar with the history of the criminal case, and is crucial, particularly with short
20 timeframes, to parse the enormous amounts of information for Mr. Tully, and to draft,
21 and file these additional motions. There is no one else with the vast amount of
22 knowledge and skills that Mr. Chakravorty possesses or could do the same work.

1 Even though the Defendants have been served, they could simply wait for the 20
2 days to pass before answering the Complaint, by which time the absolute statutory Rule
3 33 deadline of June 19, 2022 would have already passed, the harm done, and the
4 Defendants' retaliation effective in depriving Mr. Raniere of his opportunity to argue
5 any and all newly-discovered grounds for innocence.

6 Therefore, Plaintiff will suffer irreparable harm if he is not allowed the
7 opportunity to assist with the development and drafting of these additional Rule 33
8 motions prior to the absolute statutory deadline of June 19, 2022. The Court may issue
9 the Order to expire on June 19, 2022, so that it does not exceed the limits of F.R.Civ.P.
10 65(b)(2).

11 **CONCLUSION**

12 Plaintiff Keith Raniere asks the Court to issue an *immediate Order without notice*
13 to the Defendants, that he be allowed to speak with Mr. Chakravorty on both the
14 monitored and unmonitored lines and via legal visits. Plaintiff seeks a hearing as soon
15 thereafter as possible.

16 DATED this 7th day of June, 2022 by

17 /s/Stacy Scheff
18 STACY SCHEFF
19 Attorney for Plaintiff

20 Delivered via ECF
21 to all registered parties
22

EXHIBIT 1



Stacy Scheff <stacy@schefflaw.com>

Ranieri v. Garland, et. al. 4:22-cv-00212-RCC - Notice of Service and Request for Expedited Response

Stacy Scheff <stacy@schefflaw.com>

Thu, Jun 2, 2022 at 3:23 PM

To: "Ambri, Michael (USAAZ)" <Michael.Ambri@usdoj.gov>, "Faulk, Denise (USAAZ)" <Denise.Faulk@usdoj.gov>

Dear Michael and Denise,

Attached please find the notices of service for three of the four defendants.

Also attached please find a copy of the operative complaint, the Motion for preliminary injunction, and the Court's Order regarding expedited service due to the impending deadline in Mr. Ranieri's criminal case.

Due to the urgent nature of the case, I am requesting an expedited entry of appearance, and response to the Motion.

Please confirm receipt.







Thank you,

--

Stacy Scheff
Law Office of Stacy Scheff
P.O. Box 40611
Tucson, AZ 85717-0611
(520) 471-8333
FAX: (520) 300-8033

ATTORNEY-CLIENT PRIVILEGED COMMUNICATION AND/OR ATTORNEY WORK PRODUCT. The information contained in this message is privileged. It is intended only to be read by the individual or entity addressed or their designee. If the reader of this message is not the intended recipient, you are on notice that any distribution of this message, in any form, is prohibited. If you have received this message in error, please immediately notify the sender and delete or destroy any copy of this message.

6 attachments

-  **Conformed POS_M Garland.pdf**
262K
-  **Conformed POS_B VonBlankensee.pdf**
238K
-  **Conformed POS_M Carvajal.pdf**
246K
-  **Doc 9 - Order Demanding Service Prior to PI.pdf**
87K
-  **Doc 3 - FAC.pdf**
135K
-  **Doc 7 - M4PI.pdf**
155K



Stacy Scheff <stacy@schefflaw.com>

Ranieri

Stacy Scheff <stacy@schefflaw.com>

Wed, May 18, 2022 at 10:53 AM

To: "Ambri, Michael (USAAZ)" <Michael.Ambri@usdoj.gov>

Cc: "Faulk, Denise (USAAZ)" <Denise.Faulk@usdoj.gov>

Bcc: Suneel Chakravorty <suneel@suneelchakravorty.com>, Gregory Stoltz <greg@gstoltzlaw.com>

Dear Mr. Ambri,

Thank you for your email.

I will be in Chicago at the Prisoners' Advocates Conference on Friday.

However, because we are interested in restoring Mr. Chakravorty's rights to communicate with Mr. Ranieri as soon as possible, I can step out of the conference to speak with you if you think that we can resolve this matter at that time.

Otherwise, I'd like to arrange the call for Monday, May 23, 2022, any time before 2pm Arizona time.

Let me know what you'd like to do. I am also available today.

Thanks,

Stacy

--

Stacy Scheff

Law Office of Stacy Scheff

P.O. Box 40611

Tucson, AZ 85717-0611

(520) 471-8333

FAX: (520) 300-8033

ATTORNEY-CLIENT PRIVILEGED COMMUNICATION AND/OR ATTORNEY WORK PRODUCT. The information contained in this message is privileged. It is intended only to be read by the individual or entity addressed or their designee. If the reader of this message is not the intended recipient, you are on notice that any distribution of this message, in any form, is prohibited. If you have received this message in error, please immediately notify the sender and delete or destroy any copy of this message.

[Quoted text hidden]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Keith Raniere,
Plaintiff,

Case No. 4:22-cv-212-RCC-PSOT

v.

PROPOSED ORDER

Merrick Garland, US Attorney General;
Michael Carvajal, Director Federal Bureau
of Prisons; Barbara VonBlankensee,
Warden USP Tucson, Anthony Gallion (all
in their official capacities),

Hon. Rainer C. Collins

Defendants

It is Ordered that Defendant Warden of USP Tucson immediately restore Suneel Chakravorty to Plaintiff’s list of approved callers, and to approve any request from Mr. Chakravorty to speak to or visit Plaintiff as a paralegal to attorney Joseph Tully.

The Hon. Rainer C. Collins