

1 **WO**

2

3

4

5

6

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

7

8

9

Center for Biological Diversity;
Maricopa Audubon Society,

No. CV 10-2130-PHX-DGC

10

Plaintiffs,

ORDER

11

vs.

12

13

KENNETH SALAZAR, Secretary of the
Interior; ROWAN GOULD, Acting
Director of the U.S. Fish and Wildlife
Service,

14

15

Defendants.

16

17

18

The Salt River Pima-Maricopa Indian Community (“SRPMIC”) petitions to intervene as of right and permissively under Federal Rule of Procedure 24. Doc. 29. The motion is unopposed. The Court will grant the motion.

19

20

21

To qualify for intervention as a matter of right under Rule 24(a), a proposed intervenor must (1) have a significant protectable interest in the property or transaction that is the subject of the litigation, (2) be situated so that the disposition of the litigation may impair the proposed intervenor’s ability to protect that interest, (3) demonstrate that his interests are not adequately represented by other parties, and (4) move to intervene in a timely manner. *Arakaki V. Cayetano*, 324 F.3d 1078, 1083 (9th Cir. 2003).

22

23

24

25

26

27

SRPMIC asserts that the motion is timely, having been brought approximately three months after commencement of the litigation. Doc. 29. SRPMIC also asserts several

28

1 protectable interests, including its involvement in the agency review at issue and its
2 “sovereign interest in protecting and preserving the Desert Eagle” and its habitat. *Id.*
3 SRPMIC argues that its interests will be impaired if the agency’s action with regard to the
4 Desert Eagle is not challenged, and that existing Plaintiffs are not in a position to represent
5 the SRPMIC’s unique interests. *Id.*

6 No party has opposed the motion or contradicted these assertions. The Court finds
7 that SRPMIC has established a right to intervention under Rule 24(a). *See Sagebrush*
8 *Rebellion, Inc. v. Watt*, 713 F.2d 525 (9th Cir. 1983).

9 **IT IS ORDERED:**

- 10 1. SRPMIC’s motion to intervene (Doc. 29) is **granted**.
- 11 2. The Clerk shall file SRPMIC’s proposed complaint lodged at Doc. 30 as a
12 complaint in intervention.
- 13 3. SRPMIC shall coordinate with the parties to avoid any delay in the existing
14 schedule (Doc. 38).

15 DATED this 1st day of March, 2011.

16
17
18 

19 _____
20 David G. Campbell
21 United States District Judge
22
23
24
25
26
27
28