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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

DAVID LAUGHING HORSE  
ROBINSON, ET AL.

CASE NO. 09-cv-01977-BAM

Plaintiffs,

**ORDER RE CLARIFICATION OF  
COURT’S ORDER TO DISMISS (Doc. 205)**

vs.

KEN SALAZAR, ET AL.,

Defendants.

\_\_\_\_\_ /

On February 7, 2012, plaintiffs filed an ex parte request for clarification of this Court’s Order on Defendants’ Motions to Dismiss. (Doc. 205). In the Court’s Order, the Court dismissed plaintiffs’ California Environmental Quality Act (“CEQA”) claim, among other claims. Plaintiffs seek clarification of whether the CEQA claim was dismissed without prejudice or with prejudice to filing the claim in state court.

As to the CEQA claim, the Court’s Order stated:

“The Court GRANTS the motions to dismiss without leave to amend as to the Fourth Claim for Relief for Violation of the California Environmental Quality Act (CEQA) and Govt. Code 65352.3 against Kern, TRC and TMV.”

The Court clarifies its Order as follows. The Court dismissed without leave to amend these claims in

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1 the current action before this Court. The Court dismissed on jurisdictional grounds. The Court did not  
2 reach the merits of the claims and did not dismiss these claims with prejudice to refile in an  
3 appropriate forum, where it would be subject to any of defendants' defenses.

4 IT IS SO ORDERED.

5 **Dated: February 10, 2012**

**/s/ Barbara A. McAuliffe**  
UNITED STATES MAGISTRATE JUDGE

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