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(SPACE BELOW FOR FILING STAMP ONLY)

6 Attorneys for Specially Appearing Defendants
 PICAYUNE RANCHERIA OF CHUKCHANSI
 7 INDIANS, CHUKCHANSI ECONOMIC
 DEVELOPMENT AUTHORITY dba CHUKCHANSI
 8 GOLD RESORT & CASINO

9 UNITED STATES DISTRICT COURT
 10 EASTERN DISTRICT OF CALIFORNIA

12 REBECCA MERRILL,
 13 Plaintiff,
 14 v.
 15 PICAYUNE RANCHERIA OF
 CHUKCHANSI INDIANS dba
 16 CHUKCHANSI GOLD RESORT &
 CASINO and DOES 1 through 10,
 17 inclusive,
 18 Defendants.

Case No. 1:10-CV-01155-OWW-SKO

**ORDER GRANTING DEFENDANT
 PICAYUNE RANCHERIA OF
 CHUKCHANSI INDIANS' MOTION TO
 DISMISS**

Date: February 7, 2011
Time: 10 a.m.
Courtroom: 3
Judge: Hon. Oliver W. Wanger

19 The Motion to Dismiss of Defendant Picayune Rancheria of Chukchansi Indians came
 20 regularly for hearing on February 7, 2011, at 10 a.m., in Courtroom 3 before the Honorable
 21 Oliver W. Wanger, of the above-entitled Court. All appearances are noted on the record.
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23 After reviewing all the papers on file with the Court and entertaining oral argument
 24 thereon, the Court ruled that Defendant is a federally recognized Indian Tribe entitled to
 25 sovereign immunity and that such sovereign immunity has not been expressly waived. Based on
 26 the foregoing,
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IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That the Motion to Dismiss of Defendant Picayune Rancheria of Chukchansi Indians pursuant to Federal Rule of Civil Procedure Rule 12(b)(1) and on the basis that this court lacks subject matter jurisdiction is GRANTED.
2. That Plaintiff's Complaint and this entire action is dismissed with prejudice because it cannot be repled properly to establish this court's jurisdiction.
3. The Clerk of this Court is directed to close this case.

Dated: March 7, 2011

/s/ OLIVER W. WANGER
United States District Court Judge
EASTERN DISTRICT OF CALIFORNIA