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6 Attorneys for Defendants  
 RAY BARNES, MARIAN BURROUGH  
 7 (erroneously sued as "MARIAN BURROUGHS"),  
 IVADELLE CASTRO (erroneously sued as  
 8 "IVDELLE CASTRO"), LEWIS BARNES,  
 WILLIAM WALKER, AARON JONES,  
 9 CAROLYN WALKER, and TWILA BURROUGH  
 (erroneously sued as "TWILA BURROUGHS"),  
 10 and LORI CASTRO (erroneously sued as "Lorie  
 Jones Castro")  
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12 UNITED STATES DISTRICT COURT  
 13 EASTERN DISTRICT OF CALIFORNIA

14  
 15 CLIFFORD M. LEWIS, et al.,  
 16 Plaintiffs,  
 17 vs.  
 18 KEN SALAZAR, et al.,  
 19 Defendants.

CASE NO. 1:10-CV-01281-OWW-DLB

**ORDER GRANTING TRIBAL  
 DEFENDANTS' MOTION TO DISMISS  
 SECOND AMENDED COMPLAINT  
 FOR LACK OF SUBJECT MATTER  
 JURISDICTION, OR IN THE  
 ALTERNATIVE, FOR FAILURE TO  
 STATE A CLAIM UPON WHICH  
 RELIEF CAN BE GRANTED**

Date: August 1, 2011  
 Time: 10:00 a.m.  
 Courtroom: 3

Judge: Hon. Oliver W. Wanger

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1 The motion to dismiss of Defendants Ray Barnes, Marian Burrough, Ivadelle Castro,  
2 Lewis Barnes, William Walker, Aaron Jones, Carolyn Walker, Twila Burrough, and Lori Castro  
3 (hereinafter collectively referenced as “Tribal Defendants”) came regularly for hearing on August  
4 1, 2011, at 10 a.m., in Courtroom 3 before the Honorable Oliver W. Wanger.

5 After reviewing all the papers filed in this matter and entertaining oral argument, the Court  
6 ruled there is good cause to GRANT Tribal Defendants’ motion.

7 IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

8 1. That Tribal Defendants’ Motion To Dismiss Second Amended Complaint For Lack  
9 Of Subject Matter Jurisdiction, Or In The Alternative, For Failure To State A Claim Upon Which  
10 Relief Can Be Granted is GRANTED;

11 2. That Plaintiffs have repeatedly failed to allege a cognizable claim against Tribal  
12 Defendants and that further leave to amend would be futile;

13 3. That Plaintiffs’ Second Amended Complaint is DISMISSED WITH PREJUDICE;  
14 and

15 4. The Clerk of this Court is directed grant judgment in favor of Tribal Defendants  
16 and close this case.

17  
18 DATED: \_\_\_August 31, 2011\_\_

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/s/ OLIVER W. WANGER  
The Honorable Oliver W. Wanger  
United States District Judge

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