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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF CALIFORNIA
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8 SIERRA NEVADA FOREST PROTECTION
9 CAMPAIGN,¹ CENTER FOR BIOLOGICAL
10 DIVERSITY, NATURAL RESOURCES
11 DEFENSE COUNCIL, SIERRA CLUB,
12 and THE WILDERNESS SOCIETY,
13 non-profit organizations,

No. 2:05-cv-00205-MCE-GGH

14 Plaintiffs,

15 v.

ORDER

16 MARK REY, in his official
17 capacity as Under Secretary of
18 Agriculture, DALE BOSWORTH, in
19 his official capacity as Chief
20 of the United States Forest
21 Service, JACK BLACKWELL, in his
22 official capacity as Regional
23 Forester, Region 5, United
24 States Forest Service, and
25 JAMES M. PEÑA, in his official
26 capacity as Forest Supervisor,
27 Plumas National Forest,

28 Defendants.

and

29 TUOLUMNE COUNTY ALLIANCE FOR
30 RESOURCES & ENVIRONMENT, et al.;
31 CALIFORNIA SKI INDUSTRY ASS'N';
32 QUINCY LIBRARY GROUP, et al.;
33 and CALIFORNIA CATTLEMEN'S ASS'N,

34 Defendants-Intervenors.
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37 ¹ On March 1, 2007, the lead Plaintiff herein, Sierra Nevada
38 Forest Protection Campaign, changed its name to Sierra Forest
Legacy.

1 By Order filed December 19, 2008, this Court rescheduled the
2 remedies hearing in this matter pending disposition of Petitions
3 for Rehearing filed with regard to the Ninth Circuit's panel
4 decision in Sierra Forest Legacy v. Rey, 526 F.3d 1228 (9th Cir.
5 2008). The parties were directed to notify the Court once a
6 decision in that regard is reached.

7 Counsel for Sierra Legacy herein presented their remedies
8 argument to the Court through a Motion for Permanent Injunction.
9 Despite asking for the same remedy, the attorneys for the State
10 of California in People v. United States Department of
11 Agriculture, et al., Case No. 2:05-cv-2100-MCE-GGH, one of the
12 cases related to the instant action, did not file a separate
13 motion. The Court, in requesting remedies briefing, did not
14 contemplate an additional motion being filed.

15 Although Sierra Legacy may still elect to proceed with an
16 actual Motion for Permanent Injunction should it choose to do so,
17 in the interest of clearing the Court's pending docket until a
18 decision from the Ninth Circuit is forthcoming, the Court DENIES
19 the current Motion (Docket No. 261), without prejudice to its
20 renewal once the Petitions for Rehearing in the Sierra Forest
21 Legacy v. Rey matter have been adjudicated.

22 IT IS SO ORDERED.

23 Dated: January 20, 2009

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26 MORRISON C. ENGLAND, JR.
27 UNITED STATES DISTRICT JUDGE
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