

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

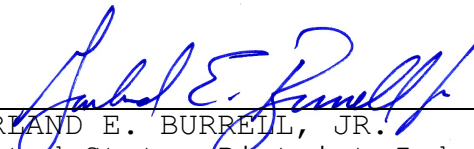
CAHTO TRIBE OF THE LAYTONVILLE RANCHERIA,)	
)	2:10-cv-01306-GEB-GGH
Plaintiff,)	
)	<u>ORDER DENYING REQUEST TO FILE</u>
v.)	<u>AMICUS BRIEF</u>
)	
DALE RISLING, Acting Regional Director for the Pacific Region, Bureau of Indian Affairs, United States Department of the Interior, KEN SALAZAR, Secretary of the Interior, United States Department of the Interior, LARRY ECHO HAWK, Assistant Secretary - Indian Affairs, United States Department of the Interior,)	
)	
Defendants.)	
_____)	

Gene William Sloan, Bert U. Sloan, Melody Sloan, John Omar Sloan, Tasheena Sloan, Allen Sloan, Rachel Sloan, Linda Palomares, Godfrey Sloan, Jeff Sloan, Tonya Sloan Rodriguez, Tammy Sloan, Arturo Gonzalez, Jr., Arica Rene Lopez-Sloan, Mark Britton, Jr., Jose Ochoa, Gabriel Ochoa and Jennifer Sloan (the "Sloan Family") request leave to file a brief as *amicus curiae* "in support of Defendants' Opposition to [Plaintiff's] Motion for Summary Judgment and [Defendants'] Cross-Motion For Summary Judgment," arguing they will "contribute a critical perspective to the Court's full understanding of this case." (ECF No. 39.)

1 "A federal district court's decision to grant amicus status to
2 an individual, or an organization, is purely discretionary." United
3 States v. Board of Education of City of Chicago, No. 80 C 5124, 1993 WL
4 408356, at *3 (N.D. Ill. Oct. 12, 1993) (citations omitted). "Relevant
5 factors in determining whether to allow an entity the privilege of being
6 heard as an amicus include whether the proffered information is timely,
7 useful, or otherwise." Id. (internal quotation marks and citation
8 omitted).

9 The Sloan Family has not explained their delay in seeking
10 leave to file an amicus brief. A Status Order was filed on September 14,
11 2010, which established the parties' briefing schedule on their cross-
12 motions for summary judgment. (ECF No. 16.) However, the Sloan Family
13 did not request leave to file an amicus brief until March 18, 2011,
14 after the dates passed for Plaintiff to file its motion for summary
15 judgment and Defendants to file their consolidated opposition and/or
16 cross-opposition. Therefore the Sloan Family's request for leave to file
17 an amicus brief is denied.

18 Dated: March 21, 2011

19
20 
21 _____
22 GARLAND E. BURRELL, JR.
23 United States District Judge
24
25
26
27
28