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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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CALIFORNIANS FOR ALTERNATIVES  
TO TOXICS, a non-profit  
corporation; WILDERNESS WATCH,  
a non-profit corporation; THE  
FRIENDS OF SILVER CREEK, a  
California non-profit  
corporation; LAUREL AMES, an  
individual and ANN MCCAMPBELL,  
an individual,

Plaintiffs,

v.

U.S. FISH AND WILDLIFE  
SERVICE; ALEXANDRA PITTS, in  
her official capacity; JOHN  
MCCAMMAN, in his official  
capacity,

Defendants.

NO. 2:10-cv-1477 FCD KJM

MEMORANDUM AND ORDER

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This matter is before the court on defendant John McCamman's  
("McCamman") motion to dismiss the instant action pursuant to  
Federal Rule of Civil Procedure 12(b)(1) on the grounds that he  
is being sued only in his official capacity as Director of the  
California Department of Fish and Game, and as such, claims

1 against him are barred by the doctrine of sovereign immunity. In  
2 their reply, plaintiffs concede that neither defendant McCamman,  
3 nor the California Department of Fish and Game have accepted, by  
4 writing or any other conduct, this court's jurisdiction.  
5 Plaintiffs further concede that sovereign immunity serves as "a  
6 legal basis to dismiss Fish and Game from this case." (Pls.'  
7 Response, filed Oct. 8, 2010, at 3.) Accordingly, defendant  
8 McCamman's motion to dismiss is GRANTED.

9 IT IS SO ORDERED.

10 DATED: October 29, 2010

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FRANK C. DAMRELL, JR.  
14 UNITED STATES DISTRICT JUDGE  
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