

E-Filed 12/9/09

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

WILTON MIWOK RANCHERIA, a formerly
federally recognized Indian Tribe, ITS MEMBERS
and DOROTHY ANDREWS,

Plaintiffs,

v.

KENNETH L. SALAZAR, et al.,

Defendants.

Case No. C-07-02681-JF-PVT
Case No. C-07-05706-JF

ORDER¹ REQUESTING FURTHER
BRIEFING

ME-WUK INDIAN COMMUNITY OF THE
WILTON RANCHERIA,

Plaintiffs,

v.

KENNETH L. SALAZAR, et al.,

Defendants.

On July 16, 2009, pursuant to a stipulation between the parties after more than two years of litigation and many months of settlement negotiations, the Court entered judgment in the above-entitled actions. On August 4, 2009, the County of Sacramento, California and the City of Elk Grove, California (collectively "Proposed Intervenor") moved to intervene, to re-open and vacate the judgment, and to dismiss the actions for lack of subject matter jurisdiction. After

¹ This disposition is not designated for publication in the official reports.

1 reviewing the moving papers and considering oral argument from all of the parties, the Court is
2 not inclined to dismiss the actions for lack of subject matter jurisdiction. To aid its consideration
3 of the remaining motions, the Court requests supplemental briefing by the parties and Proposed
4 Intervenors as to the relevance of the Supreme Court's recent decision in *Carcieri v. Salazar*, 129
5 S.Ct. 1058 (2009). Such briefing shall be filed on or before December 23, 2009.

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7 **IT IS SO ORDERED.**

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9 DATED: December 9, 2009

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12 JEREMY FOGEL
United States District Judge