

E-Filed 10/8/2010

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

Case No. 5:10-cv-1605 JF/PVT

CLOVERDALE RANCHERIA OF POMO INDIANS OF CALIFORNIA, a formerly federally recognized Indian Tribe, JAVIER MARTINEZ; SARAH GOODWIN; LENETTE LAIWA-BROWN; GERAD SANTANA and JOHN TRIPPO, in their official capacities as members of the Cloverdale Rancheria of Pomo Indians of California Tribal Council; and COMMITTEE TO ORGANIZE THE CLOVERDALE RANCHERIA GOVERNMENT, and unincorporated association,

Plaintiffs,

v.

KENNETH L. SALAZAR, et al.,

Defendants.

ORDER¹ STAYING
DETERMINATION OF PENDING
MOTIONS

Defendant federal officers and agencies move pursuant to Fed. R. Civ. P. 12(b)(1) to dismiss the complaint of Plaintiff Cloverdale Rancheria of Pomo Indians for failure to comply with the exhaustion requirements of the Administrative Procedure Act. Proposed Intervenor-Defendants, also in the name of the Cloverdale Rancheria, move to intervene, to dismiss for lack of jurisdiction, to strike named plaintiff, and for sanctions. The Court has considered the moving

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

1 and responding papers and the oral arguments of counsel presented at the hearing on October 8,
2 2010. For the reasons stated at the hearing, the Court will stay determination of all motions for
3 ninety days. If agency action has not rendered moot Plaintiffs' claims in this action, the Court
4 will take up the question of its jurisdiction to hear the case at that time.

5 **IT IS SO ORDERED.**

6 DATED: October 8, 2010



7 JEREMY FOGEL
8 United States District Judge

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