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

REV. DR. MICHAEL A. NEWDOW,

Plaintiff,

No. CIV S-01-218 LKK GGH PS

vs.

GEORGE W. BUSH, PRESIDENT OF THE  
UNITED STATES,

Defendants.

ORDER

Plaintiff, proceeding pro se, filed the above-entitled action. The matter was referred to a United States Magistrate Judge pursuant to Local Rule 72-302(c)(21).

On July 18, 2001, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within ten days. On August 2, 2001, plaintiff filed a request for extension of time to file his objections. Good cause appearing, this request is granted.

Both parties have filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the entire


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1 file, the court finds the findings and recommendations to be supported by the record and by  
2 proper analysis.

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4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. Plaintiff's August 2, 2001, motion for an extension of time to file his  
6 objections is granted;
- 7 2. The findings and recommendations filed July 18, 2001, are adopted in full;
- 8 3. Defendant's May 4, 2001, motion to dismiss is granted insofar as plaintiff  
9 complains about permitting a chaplain (or the President) from making any prayer at the  
10 Presidential inauguration. However, the motion is denied insofar as plaintiff is attacking the  
11 specifics of the prayer as a violation of the Establishment Clause;
- 12 4. Within twenty days of the date of this order defendant shall file an answer to  
13 the complaint.

14 DATED: September 27, 2001.

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18 UNITED STATES DISTRICT JUDGE

19 new218.jo

ljr

United States District Court  
for the  
Eastern District of California  
September 28, 2001

\* \* CERTIFICATE OF SERVICE \* \*

2:01-cv-00218

Newdow

v.

Bush

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I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Eastern District of California.

That on September 28, 2001, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office, or, pursuant to prior authorization by counsel, via facsimile.

Michael A Newdow  
First Amendmist Church of True Science  
PO Box 233345  
Sacramento, CA 95823

SJ/LKK

Kristin Sudhoff Door  
United States Attorney  
501 I Street  
Suite 10-100  
Sacramento, CA 95814

Jack L. Wagner, Clerk

BY: \_\_\_\_\_  
Deputy Clerk



## WHAT IS ELECTRONIC NOTICING?

The United States District Court for the Eastern District of California has developed an automated program which allows the Office of the Clerk to transmit copies of orders, notices and judgments to attorneys of record via facsimile. **Participation in this program requires that a dedicated facsimile line (not shared with a phone line) be available.**

## HOW THE PROGRAM WORKS . . .

1. Attorneys who participate in the program authorize the Clerk of Court to transmit via facsimile:
  - Orders
  - Judgments
  - Court notices
2. Facsimiles are transmitted directly to the attorney's dedicated fax number in lieu of mailing copies of documents.
3. The Clerk's Office maintains a report confirming receipt by parties of the electronic notice.
4. If the Clerk's Office is unable to confirm receipt of the electronic notice, a notice by mail will be effected on the same day.

## HOW TO GET STARTED . . .

If you wish to participate in the Electronic Noticing Program, please complete the attached authorization form and mail or fax it to:

United States District Court  
Jack L. Wagner, Clerk of Court  
501 I Street • Suite 4-200  
Sacramento, CA 95814-2322  
Fax: (916) 491-3960

Additional copies of this form may be obtained from the Clerk's Office in Sacramento, California or you may call (916) 930-4000 to request forms by mail.

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Pursuant to Fed.R.Civ.P. 79(d) and 5, and Fed.R.Crim.P. 49, the Clerk of the United States District Court for the Eastern District of California is required to give immediate notice of the entry of orders, notices, and judgments by mail to all parties not in default for failure to appear. In all cases in which the capability exists and I appear as attorney of record, I hereby authorize the Clerk of the District Court to send such notification SPECIFICALLY TO ME by facsimile or other electronic means. I understand that this electronic notice will be in lieu of notice by mail, and I EXPRESSLY WAIVE NOTICE BY MAIL. The fax telephone number listed below is dedicated for facsimile transmission.

ATTORNEY NAME: \_\_\_\_\_  
STATE BAR #: \_\_\_\_\_  
FIRM NAME: \_\_\_\_\_  
TELEPHONE #: \_\_\_\_\_  
STREET ADDRESS: \_\_\_\_\_  
CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_  
SIGNATURE: \_\_\_\_\_  
FAX NUMBER: \_\_\_\_\_

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