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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BATTLE MOUNTAIN BAND of the TE-MOAK TRIBE of WESTERN SHOSHONE INDIANS, Plaintiff,	)	3:16-CV-00268-LRH-WGC
v.	)	MINUTE ORDER
UNITED STATES BUREAU OF LAND MANAGEMENT, and JILL C. SILVEY, Defendants.	)	June 7, 2016

PRESENT: THE HONORABLE LARRY R. HICKS, UNITED STATES DISTRICT JUDGE

DEPUTY CLERK: NONE APPEARING REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Before the court is plaintiff the Battle Mountain Band's ("the Band") motion for stay pending appeal. ECF No. 63. The court has reviewed the Band's motion and finds that stay pending appeal of the court's order (ECF No. 60) denying the Band's motion for a temporary restraining order (ECF No. 12) is not warranted in this action. Contrary to the Band's assertions in its motion, the court has carefully considered all of the parties' arguments and found that the Band was not entitled to preliminary injunctive relief. Although the Band takes issue with the court's short order, which the court issued for the benefit of the parties due to the time sensitive nature of this action, the court considered all of the Band's arguments including its arguments concerning the Programmatic Agreement and disagreed with the Band's interpretation of that agreement. The court noted in its order that an order addressing all of the parties' arguments would be forthcoming, and thus, the court finds that a stay pending appeal is not warranted because the court considered all of the issues before it prior to issuing the short order on June 3, 2016. Nothing raised in the present motion changes the court's finding that preliminary injunctive relief is not warranted in this action. Accordingly, the court shall deny the Band's motion.

IT IS HEREBY ORDERED that plaintiff's motion to stay pending appeal (ECF No. 63) is DENIED.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: /s/
Deputy Clerk

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