IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

THE SCO GROUP, INC.,

               Plaintiff,

vs.

NOVELL, INC.,

               Defendant.

ORDER

Civil Case No. 2:04CV139DAK

Jonathan Lee Richins, a federal prisoner at FCI Williamsburg, filed a pro se Motion to Intervene As Plaintiff under Federal Rule of Civil Procedure 24(a) and a Motion for Reconsideration or Clarification en banc. Rule 24(a) requires a court to permit anyone to intervene who "is given an unconditional right to intervene by a federal statute; or . . . claims and interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest." Fed. R. Civ. P. 24(b).
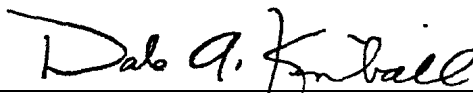
Riches does not cite to any statute, federal or otherwise, that gives him an unconditional right to intervene. In addition, Riches does not assert an actual interest in the case. Riches claims to have an interest in "the UnixWare software and defendants [sic] refusing Royalty payments." To the extent that he has such an interest, it is clearly not relevant to or impacted by the dispute between SCO and Novell. There is no issue in this case with respect to Novell

refusing royalty payments to individuals. At most, Riches claims to have information that

pertains to the case. This does not provide a basis for intervention in the case. Riches would

similarly not be entitled to permissive intervention in this case as none of his allegations have

anything in common with the questions of law or fact pertaining to this case.

The court concludes that the motion to intervene is wholly inappropriate and it is

DENIED. Riches' Motion for Reconsideration is also DENIED as it is moot.

DATED this 15th day of July, 2008.

BY THE COURT:

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DALE A. KIMBALL
United States District Judge