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California Valley Miwok Tribe, California

(formerly the Sheep Ranch Rancheria of Me-Wuk Indians of California)

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January 16, 2007

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**ANSWER OF INTERESTED PARTY
TO THE DECEMBER 13, 2006 NOTICE OF
APPEAL AND STATEMENT OF REASONS OF SILVIA BURLEY ^[1]**

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To be incorporated in this Answer are the statements which were made by this Interested Party in its "Answer of Interested Party in Opposition To The November 13, 2006 Appeal of Silvia Burley" as filed on December 12, 2006.

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With respect to responding to Ms. Burley's current "Notice of Appeal and Statement of Reasons as dated December 13, 2006", this Interested Party believes that her Appeal fails to state a claim on which relief can be granted. It fails on the same basis upon which Judge Robertson dismissed Ms. Burley's Complaint in the recent Court determination on this matter ^[2].

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¹ The Appellant's documents were mailed (according to the date on the stamp of the envelope) to this Interested Party on December 13, 2006 through the USPS via its Parcel Post delivery and was actually received by this Interested party some 14 days later on December 27, 2006. Delivery by Parcel Post may not constitute legal notice; and it certainly it was not received in a timely manner. Assuming that services begin upon receipt of the pleadings, then this response of the Interested Party will have been filed in timely manner. However, if this response is determined to be untimely, then the Interested Party requests a variance in the appropriate rules.

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² United States District Court, District of Columbia (Case No. CIV.A. 05-0739(JR), California Valley Miwok Tribe v. USA, March 31, 2006) and cited as: 424 F.Supp.2d 197 (D.D.C.). This case is now in the Court of Appeals; and, in that Appeal, this Interested Party has recently been granted the standing of *amicus curiae*, supporting the government's position that the lower courts dismissal should be Affirmed. The briefing schedule in that case has not be set, as of this date.

34 Indeed, in her administrative appeal of the Burdick Directive of November 6, 2006, it appears
that Ms. Burley seeks to over-ride, circumvent, and nullify, in an administrative venue, the
36 standing Order of The Court, which was issued by Judge Robertson in his ruling to dismiss Ms.
Burley's Complaint.

38 In the interest of economy-of-argument, this Interested Party incorporates Judge Robertson's
Order of March 31, 2006. In reviewing that Order, please keep in mind that it was not intended
40 to represent a finding-of-facts on matters of tribal authority or history, which were provided in
the Order only for context and which relied, almost entirely, of the pleadings of the Plaintiff, Ms.
Burley. Instead, the Ruling in the Order, pertained only to whether the government maintains
42 the right to be involved in helping the Tribe to become organized in such a manner that the
administration of the Tribe represents a majority of the authentic members, so that the U.S.
government could be assured that it would be dealing with a properly constituted tribal admini-
44 stration in the government-to-government relations between the Tribe and the U.S.A.

Silvia Burley should not be allowed to appeal the Burdick Directive of November 6, 2006
46 because it contravenes the above cited adjudication, it interferes with the administrative due
process of a governmental agency, and it is designed to obstruct the implementation of the IRA,
in which this Tribe elected to participate, and the organization of the Tribe. To allow this
48 Appeal to move forward would be to create a policy that would allow almost anyone to, in effect,
shut-down the Bureau by obstructing the BIA's meetings, deliberations, cite visitations, and
normal operations by asserting sovereignty. The notion that Ms. Burley advances in which she
50 asserts that the organizational process is an attempt by the BIA to determined the membership of
the Tribe is blatantly spurious and should be disregarded.

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Authorized by phone

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Yakima Dixie, Chief

Date

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Authorized by phone

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Velma WhiteBear, Executive Director

Date

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Drafted by: Chadd Everone, Deputy

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68 Distribution List.

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