

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

CALIFORNIA VALLEY MIWOK TRIBE,  
et al.,

Plaintiffs,

v.

KEN SALAZAR, et al.,

Defendants.

Case No. 1:11-CV-00160-RWR

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**ORDER GRANTING INTERVENOR-DEFENDANT'S MOTION TO DISMISS FOR  
LACK OF SUBJECT MATTER JURISDICTION AND FOR FAILURE TO STATE A  
CLAIM UPON WHICH RELIEF CAN BE GRANTED**

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On March 17, 2011, Intervenor, the California Valley Miwok Tribe ("Tribe"), moved the Court to grant leave to intervene in the above-captioned action. Upon the Tribe's inclusion in the litigation, the Tribe moved this court to dismiss Plaintiffs' Complaint for lack of subject matter jurisdiction and for failure to state a claim upon which relief can be granted pursuant to Fed. R. Civ. P. Rules 12(b)(1) and 12(b)(6), respectively.

**Therefore, IT IS HEREBY ORDERED AS FOLLOWS:**

1. This Court lacks subject matter jurisdiction over all Plaintiffs and all of Plaintiffs' claims alleged in Plaintiffs' Complaint.
2. Plaintiffs have failed to state a claim upon which relief can be granted by this Court.

For the foregoing reasons, Intervenor-Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction and for Failure to State a Claim Upon Which Relief Can Be Granted pursuant to Fed. R. Civ. P. Rules 12(b)(1) and 12(b)(6), respectively, is **GRANTED** and Plaintiffs' action is dismissed with prejudice.

**IT IS SO ORDERED.**

DATED THIS \_\_\_\_\_ day of March, 2011.

BY THE COURT:

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Honorable Richard W. Roberts  
District Court Judge