

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

CALIFORNIA VALLEY MIWOK  
TRIBE, et al.,

Plaintiffs,

v.

KEN SALAZAR, et al.,

Defendants.

NO. 1:11-cv-00160-RWR

**DEFENDANTS' SECOND UNOPPOSED MOTION FOR EXTENSION OF TIME  
TO FILE RESPONSIVE PLEADING TO PLAINTIFFS' COMPLAINT**

Pursuant to Fed. R. Civ. Pro. 6(b), Defendants Kenneth L. Salazar, Secretary of the Interior, Larry Echo Hawk, Assistant Secretary of Indian Affairs of the Interior, and Michael Black, Director of the Bureau of Indian Affairs(Defendants) move for a thirty day enlargement of time until May 27, 2011 to file their responsive pleading to the complaint. This is the Defendants' second motion in regards to Plaintiffs' complaint. In support of this motion, Defendants set forth the following:

1. On January 24, 2011, Plaintiffs California Valley Miwok Tribe, the Tribal Council, Yakima Dixie, Velma Whitebear, Antonia Lopez, Michael Mendibles, Evelyn Wilson and Antoine Azevedo (Plaintiffs) filed their complaint in this matter. Docket Number (Dkt. No. 1). On February 3, 2011, Plaintiffs' complaint was served on the United States Attorney's Office of the District of Columbia.

2. On March 16, 2011, Plaintiffs filed their Motion for Preliminary Injunction, Dkt. No. 8, and this Court ordered that the Defendants file their opposition by April 1, 2011. On March 31, 2011, both Plaintiffs and Defendants agreed to and filed a Consent Motion for Extension of Time to File Response/Reply as to the Motion for Preliminary Injunction, Dkt. No.

17, and this Court granted that motion setting a deadline of April 5, 2011, for the defendants' opposition and April 12, 2011, for plaintiffs' reply.

3. On March 17, 2011, Defendants filed the First Motion for Extension of Time to File an Answer, Dkt. No. 9, and this Court granted that motion, setting a deadline of April 27, 2011, for the Defendants' answer or other response to Plaintiffs' complaint.

4. On April 1, 2011, the Assistant Secretary issued a letter that sets aside the challenged December 22, 2010 letter that forms the basis of Plaintiffs' Count I.

5. On April 1, 2011, Plaintiffs filed Plaintiffs' Notice of Withdrawal of Motion For Preliminary Injunction as Moot. (Dkt. No. 19)

6. On April 8, 2011, the Assistant Secretary sent a letter to both Mr. Dixie and Ms. Burley requesting responsive briefing on a number of issues. The additional briefing is to be submitted to officials at the Department of the Interior and is due May 3, 2011.

7. Defendants are currently working on their response, however, in light of the ongoing administrative reconsideration, the Department of the Interior requires additional time to prepare its response to Plaintiffs' complaint. An additional thirty days will afford Defendants the time necessary to evaluate Plaintiffs' complaint, in light of the April 1, 2011 letter setting aside the decision challenged in the complaint, and formulate its responsive pleading or other appropriate motion.

8. Counsel for Defendants consulted and discussed this matter with counsel for Plaintiffs who represented that Plaintiffs do not oppose this motion.

Based on the aforementioned, Defendants respectfully request that the Court grant Defendants' Second Unopposed Motion for an Extension of Time and extend the deadline for Defendants' responsive pleading to Plaintiffs' complaint to May 27, 2011.

Respectfully submitted this 22nd day of April, 2011.

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Environment and Natural Resources Division

*s/ Kenneth Rooney*

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**CERTIFICATE OF SERVICE**

I hereby certify that, on April 22, 2011, I electronically transmitted the foregoing document to the Clerk of the Court, using the ECF system for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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