

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA  
Civil Division**

THE CALIFORNIA VALLEY MIWOK  
TRIBE, *et al.*,

Plaintiffs,

v.

KEN SALAZAR, in his official capacity as  
Secretary of the United States Department of  
the Interior, *et al.*,

Defendants.

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

Hon. Richard W. Roberts

**JOINT STATUS REPORT REGARDING THE STATUS OF THE RECONSIDERED  
DECISION OF THE ASSISTANT SECRETARY - INDIAN AFFAIRS AND  
UNOPPOSED MOTION FOR EXTENSION OF THE  
TEMPORARY STAY OF LITIGATION**

Pursuant to this Court's order of July 11, 2011, the parties provide the following status report to the Court and request that the stay of this litigation be extended through August 26, 2011.

1. On January 24, 2011, Plaintiffs brought suit challenging the December 22, 2010 decision of the Assistant Secretary - Indian Affairs of the United States Department of the Interior ("Assistant Secretary"). *See* Dkt. No. 1.
2. On March 16, 2011, Plaintiffs filed a Motion for Preliminary Injunction, Dkt. No. 8, and, after granting the Defendants' Consent Motion for an Extension of Time, Dkt. No. 17, this Court ordered the Defendants to file their opposition to Plaintiffs' Motion for a Preliminary Injunction by April 5, 2011.

3. However, on April 1, 2011, the Assistant Secretary - Indian Affairs of the United States Department of the Interior set aside the prior December 22, 2010 decision regarding the organization and governance of the California Valley Miwok Tribe. *See Joint Motion to Stay Litigation, Dkt. No. 22, ex. 1.*
4. On April 8, 2011, the Assistant Secretary sent letters to both Mr. Yakima Dixie and Ms. Silvia Burley requesting responsive briefing pertaining to a number of issues. *Joint Motion to Stay Litigation, Dkt. No. 22, ex. 3.*
5. The April 8, 2011, letter set May 3, 2011, as the deadline for the respective parties' submission of briefs responding to the Assistant Secretary's inquiries. Both Mr. Dixie and Ms. Burley submitted briefs on May 3, 2011.
6. On April 19, 2011, the parties jointly requested this Court stay the litigation and all attendant deadlines so that the Assistant Secretary could prepare and issue the reconsidered decision. *See Joint Motion to Stay Litigation, Dkt. No. 22.*
7. On April 25, 2011, this Court issued a minute order granting the parties' joint motion to stay until July 7, 2011, and ordered the parties to file a joint status report and proposed order on July 7, 2011 as well.
8. On July 7, 2011, the parties filed a joint status report and requested this Court stay the litigation and all attendant deadlines until August 15, 2011, to accommodate the Assistant Secretary's ongoing preparation of the reconsidered decision. *See Joint Status Report Regarding the Status of the Reconsidered Decision of the Assistant Secretary - Indian Affairs and Motion for Extension of the Temporary Stay of Litigation, Dkt. No. 23.*

9. Plaintiffs consented to the extension on the condition that it was the final extension and that this Court order the Assistant Secretary to issue his reconsidered decision by August 15, 2011. *Id.* §§ 9, 9(a).
10. Defendants would not consent, however, to a condition mandating final agency action, and requested that should the Assistant Secretary not issue a reconsidered decision by August 15, 2011, that the result be a release of the voluntary stay. *Id.* §§ 9, 9(b). Accordingly, the parties each submitted a separate proposed order. *See id.*, Attachment 1-2.
11. On July 11, 2011, this Court granted the Joint Motion for Temporary Stay of Litigation and adopted Plaintiffs' proposed order. *See* Order Granting Joint Motion for Temporary Stay of Litigation, Dkt. No. 24. This Court's order struck paragraph 2, which requested, "This extension of the temporary stay shall be the final one granted by the Court and is conditioned upon the Assistant Secretary issuing his decision on reconsideration of the December 22, 2010 Decision on or before August 15, 2011." *Id.*
12. Since this Court granted the Joint Motion for Temporary Stay of Litigation, the Assistant Secretary and his staff have diligently attended to the preparation of the reconsidered decision. Due to work and travel obligations during the months of July and August, the Assistant Secretary and his staff are unable to issue the reconsidered decision at this time.
13. The decision, however, is nearly finalized, and the Assistant Secretary anticipates the issuance of reconsidered decision by August 26, 2011. Accordingly, the

Assistant Secretary respectfully requests an extension of the temporary stay until

Friday, August 26, 2011. Plaintiffs agree to this extension.

Respectfully submitted this 12th day of August, 2011.

Respectfully submitted,

/s/ Kenneth Rooney

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**CERTIFICATE OF SERVICE**

I certify that on August 12, 2011, I filed a copy of the Joint Status Report Regarding the Status of the Reconsidered Decision of the Assistant Secretary - Indian Affairs and Unopposed Motion for Extension of the Temporary Stay of Litigation with the Court pursuant to the electronic filing rules. All participants are registered CM/ECF users, and will be served by the CM/ECF system.

/s/ \_\_\_\_\_  
Kenneth Rooney