

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

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

v.

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

C.A. No. 1:11-cv-00160-RWR

Hon. Richard W. Roberts

ORDER

After reviewed and considered Plaintiffs' Motion for Summary Judgment, the opposition papers, arguments of counsel, and all other relevant pleadings and matters properly presented to the Court, it is hereby:

ORDERED that Plaintiffs' Motion for Summary Judgment is **GRANTED**; and it is

FURTHER ORDERED that:

A. The Assistant Secretary – Indian Affairs' ("AS-IA") August 31, 2011 Decision ("2011 Decision"), is vacated and set aside as arbitrary, capricious, unsupported by substantial evidence in the record, an abuse of discretion and otherwise not in accordance with law;

B. It is declared that the determination by the Secretary of the Interior (acting through his subordinate, the AS-IA) that the Tribe's citizenship is limited to five members was contrary to the overwhelming weight of the evidence in the record, lacked any reasoned explanation, and exceeded the Secretary's statutory authority;

C. It is declared that the Secretary violated the Indian Reorganization Act and breached his trust obligations to the Tribe and its individual members by adopting the 2011

Decision and recognizing a Tribal government that does not represent a majority of the Tribe's members;

D. It is declared that the 2011 Decision violated the Indian Civil Rights Act by sanctioning a Tribal governing document and governing body that deny Plaintiffs and other Tribal members equal protection and due process of law;

E. It is declared that the Secretary was and is estopped from denying the rights of all members of the Tribal community, including the individual Plaintiffs and all other Lineal Descendants, to participate in Tribal organization and self-governance.

F. It is declared that the 2011 Decision violated the Department of the Interior's procedural regulations and was the fruit of illegal ex parte contacts;

G. The Secretary, AS-IA, and Bureau of Indian Affairs ("BIA") are permanently enjoined from taking any action to implement the 2011 Decision, including any award of federal funds to the Burley Faction under Public Law 638 or any other federal law or program; and

H. The Secretary, AS-IA and BIA are directed to establish government-to-government relations only with a Tribal government that reflects the participation of the entire Tribal community, including individual Plaintiffs and all other Lineal Descendants.

BY THE COURT:

Dated: _____, 2012

Richard W. Roberts
United States District Judge