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11 UNITED STATES DISTRICT COURT
12 FOR THE EASTERN DISTRICT OF CALIFORNIA
13 SACRAMENTO DIVISION
14

15 PEOPLE OF THE STATE OF CALIFORNIA,
ex rel. BILL LOCKYER, ATTORNEY,
16 GENERAL,

17 Plaintiff,
v.

No. CIV-S-05-0211 MCE/GGH

18 UNITED STATES DEPARTMENT OF
19 AGRICULTURE; MIKE JOHANNNS, in his
official capacity as Secretary of the
20 Department of Agriculture;
MARK REY, in his official capacity as
21 Under Secretary of Agriculture,
DALE BOSWORTH, in his official capacity
22 as Chief of the United States Forest Service,
and JACK A. BLACKWELL in his official
23 capacity as Regional Forester, Region 5,
United States Forest Service,

24 Federal Defendants.
25

**FEDERAL DEFENDANTS'
NOTICE OF MOTION AND
MOTION TO DISMISS**

Date: June 20, 2005
Time: 9:00 a.m.
Location: 15th Floor
Courtroom: No. 3
Judge: Hon. Morrison C. England, Jr.

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AND MOT. TO DISMISS

1 **NOTICE OF MOTION**

2 **PLEASE TAKE NOTICE** that Federal Defendants respectfully request that the
3 following Motion to Dismiss of Plaintiff's Complaint for Declaratory and Injunctive Relief be
4 heard on June 20, 2005, at 9:00 a.m. by Honorable Morrison C. England, Jr. in Courtroom 3, 15th
5 Floor, 501 I Street, Sacramento, California.

6 **MOTION**

7 Pursuant to Fed. R. Civ. P. 12(b)(1), Federal Defendants hereby move to dismiss
8 Plaintiff's Complaint for Declaratory and Injunctive Relief. This motion is supported by a
9 memorandum in support and a proposed order.

10 As explained more fully in the memorandum in support, Plaintiff lack standing to bring
11 this action against Federal Defendants. For that reason, the Court should grant the Federal
12 Defendants' motion to dismiss.

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15 Respectfully submitted this 27th day of April, 2005.

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21 /s/ Julia A. Jones
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Attorneys for Federal Defendants

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on April 27, 2005, I electronically filed the foregoing FEDERAL
3 DEFENDANTS' NOTICE OF MOTION AND MOTION TO DISMISS with the Clerk of the Court using
4 the CM/ECF system which will send notification to the individuals listed below:

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11
12 /s/ Julia A Jones
13 Julia A. Jones
14 Counsel for Federal Defendants
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