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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

UNITED STATES OF AMERICA,)	3:73-CV-0127-ECR-RAM
)	In Equity No. C-125
Plaintiff,)	Subfile No. C-125-B
)	
WALKER RIVER PAIUTE TRIBE,)	
)	<u>ORDER</u>
Plaintiff-Intervenor)	
)	
vs.)	
)	
WALKER RIVER IRRIGATION)	
DISTRICT, a corporation,)	
et al.,)	
)	
Defendants.)	
)	
)	
)	

IT IS HEREBY ORDERED that Motion (#794), filed by Joseph and Beverly Landolt on December 6, 2005, to clarify Judge Reed's case management order dated April 18, 2000, is **DENIED**.

The motion seeks an advisory opinion from the Court. It seeks clarification of this Court's Case Management Order (#108) of April 18, 2000, in light of the Magistrate Judge's Order (#469) of October 1, 2004, granting the Tribe's Motion to Stay (#680, 3:73-CV-0125) Plaintiff's Motion for Order to Show Cause (#622, 3:73-CV-0125), filed on March 10, 2004. Although the Magistrate Judge cited this Court's Case Management Order in granting the Tribe's Motion to Stay, the Magistrate Judge also found that Plaintiffs

1 have not suffered any "injury in fact" which can fairly be traced
2 to any claimed conduct of the Tribe. Lujan v. Defenders of
3 Wildlife, 504 U.S. 555, 560-61 (1992). As such, Plaintiffs have
4 not demonstrated a personal stake in the outcome, and there is no
5 showing of a substantial likelihood that the relief requested will
6 redress any alleged injury.

7 Clarifying this Court's Case Management Order will not resolve
8 the issue decided by the Magistrate Judge. See, e.g., Michigan v.
9 Long, 463 U.S. 1032, 1040 (1983) (noting prudential concerns
10 require avoidance of advisory opinions where there is an
11 independent ground supporting the decision); Matter of Bunker Ltd.
12 Partnership, 80 F.2d 308 (9th Cir. 1987) (holding that request for
13 clarification of meaning of statute was a request for an advisory
14 opinion, given that underlying decision was based on a second
15 statute).

16 In sum, this motion is not an effective appeal from the
17 Magistrate Judge's Order, so it is moot. In addition, an objection
18 to that Order (#469) of the Magistrate Judge would appear to be
19 untimely under Local Rule IB 3-2(a). Because this motion is both
20 moot and untimely, this Court denies the motion for clarification.

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22 Dated this 16th day of March, 2006.

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Edward C. Reed.
UNITED STATES DISTRICT JUDGE

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