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6 Attorneys for the United States

7 UNITED STATES DISTRICT COURT

8 DISTRICT OF NEVADA

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 WALKER RIVER PAIUTE TRIBE,

12 Plaintiff-Intervenor,

13 vs.

14 WALKER RIVER IRRIGATION DISTRICT,
a corporation, et al.,

15
16 Defendants.

IN EQUITY NO. C-125-RCJ
Subproceedings: C-125-B
3:73-CV-00127-RCJ-WGC

**UNITED STATES' RESPONSE TO
WALKER RIVER IRRIGATION
DISTRICT'S MOTION TO VACATE
SCHEDULE**

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18 The United States of America ("United States"), by and through the United States Attorney for
19 the District of Nevada, responds to Walker River Irrigation District's ("WRID") *Motion to Vacate*
20 *Schedule Related to Motions Regarding Basic Threshold Jurisdictional Issues, or, in the Alternative,*
21 *Motion for Status Conference* (ECF # 1971) ("Motion to Vacate Schedule"), as follows:

22 1. As explained in WRID's Motion to Vacate Schedule, WRID's request is premised, in
23 part, on the Court's Order (ECF # 1968) denying the United States' Motion to Admit Government
24

1 Attorneys (ECF # 1919) and the resulting decision by the Court to vacate the Court hearing scheduled
2 for January 17, 2014 (ECF # 1969). *See* Motion to Vacate Schedule at 4.

3 2. The United States, on January 29, 2014, moved the Court for expedited reconsideration
4 of its Order denying admission of government attorneys (ECF # 1970) (“Motion for Expedited
5 Reconsideration”). In its Motion for Expedited Reconsideration, the United States explained that
6 Congress has granted the Attorney General sole authority to determine how litigation under his
7 supervision will be staffed and that the Court’s Order infringes upon that authority by directing that
8 only the U.S. Attorney’s Office for the District of Nevada may represent the United States in this
9 litigation so long as it is not incapable of handling the matter. The United States further explained that
10 expedited reconsideration of the United States’ Motion to Admit Government Attorneys is appropriate
11 in consideration of the briefing schedule that WRID now moves to vacate.

12 3. The Court has not yet taken action on the United States’ Motion for Expedited
13 Reconsideration.

14 4. Since the United States submitted its Motion for Expedited Reconsideration in this
15 action, the United States filed a petition for a *writ of mandamus* to the Ninth Circuit of the United
16 States Court of Appeals concerning the appearance of counsel for the United States in another case
17 pending before this Court. *Petition for a Writ of Mandamus* (Dkt. Entry #1), *United States v.*
18 *Malikowski*, No. 14-70486 (9th Cir. 2014). Subsequent to the *writ of mandamus*, the Court issued an
19 order permitting counsel for the United States to appear in *United States v. Malikowski. Order* (ECF #
20 17), *United States v. Malikowski*, No. 10-CV-01337-RCJ-NJK (D. NV.) at 3.

21 5. In the interest of helping to address an issue raised by WRID’s Motion to Vacate
22 Briefing Schedule, and for the reasons set forth in the United States’ Motion for Expedited
23 Reconsideration and Motion to Admit Government Attorneys, the United States respectfully submits
24 that the Court should rule expeditiously on the United States’ Motions, and should grant them.

1 **WHEREFORE**, the United States again respectfully asks this Court to grant its Motion to
2 Admit Government Attorneys so that the appropriate counsel for the United States can appear in this
3 action and attend to the litigation at hand.

4 Dated: March 24, 2014.

5 Respectfully submitted,

6 DANIEL G. BOGDEN
7 United States Attorney

8 /s/ Greg Addington _____
9 GREG ADDINGTON
 Assistant United States Attorney

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CERTIFICATE OF SERVICE

It is hereby certified that pursuant to LCR 47-11 service of the foregoing UNITED STATES' RESPONSE TO WALKER RIVER IRRIGATION DISTRICT'S MOTION TO VACATE SCHEDULE was made through the Court's electronic filing and notice system (CM/ECF) to all of the registered participants.

DATED this 24th day of March, 2014.

/s/ Greg Addington
GREG ADDINGTON