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WILLIAM L. WHITTAKER
CLERK, U. S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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CLERK, U. S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LILLIAN BLAKE PUZZ, et al.,)
Plaintiffs,)
v.)
UNITED STATES DEPARTMENT OF)
THE INTERIOR,)
Defendant,)
WILFRED COLEGROVE, et al.,)
Defendants,)
Counter and Cross-Claimants)

NO. C80-2908 TEH

ORDER

On November 15, 1988, this court ordered plaintiffs to show cause why this case should not be dismissed as moot in light of the passage of the Hoopa-Yurok Settlement Act (Public Law 100-580) (hereafter "Act"). In their response, filed November 30, 1988, plaintiffs asserted that the case had not yet become moot because mere passage of the Act did not automatically divide the existing reservation, and thus change the legal relations among the parties. Rather, partition of the reservation would only occur upon publication in the Federal Register of a resolution by the Hoopa Valley Tribe waiving any claim the Tribe may have against the United States arising out of the Act, and affirming Tribal consent to the

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1 distribution of escrowed timber sale proceeds.

2 As the federal defendants noted in their response,
3 filed December 8, 1988, such a resolution has now been
4 published in the Federal Register. 53 Fed. Reg. 49,361
5 (December 7, 1988). Accordingly, it appears that all parties
6 would now agree, and this court so finds, that this case has
7 become moot.¹ Bowen v. Kizer, 108 S.Ct. 1200 (1988) (case
8 mooted by subsequent legislation); United States Dep't of
9 Justice v. Provenzano, 469 U.S. 14, 105 S.Ct. 413 (1984) (issue
10 mooted by subsequent legislation).

11 The Hoopa defendants also request that this court
12 vacate its prior orders of April 8, 1988, June 20, 1988, and
13 September 2, 1988. Under prevailing principles, and the
14 circumstances of this case, we conclude that vacating the
15 above orders is the appropriate course. Bowen, 108 S.Ct. at
16 1200-01; Boston Chapter, NAACP v. Beecher, 716 F.2d 931, 933
17 (1st Cir. 1983), vacated on other grounds, 468 U.S. 1206
18 (1984), on remand, 749 F.2d 102, cert. denied, 471 U.S.
19 1075 (1985) ("According to the established practice of federal
20 courts, when a case is found moot, the district court's
21 judgment will be vacated"); see also, United States v.
22 Munsingwear, Inc., 340 U.S. 36, 39-40, 71 S.Ct. 104, 106-07
23 (1950). We also note that plaintiffs have filed no objection
24 to defendants' request.

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26 ¹ Plaintiffs have not filed any reply to the defendants'
27 responses.

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Accordingly, it is HEREBY ORDERED that

1. this court's orders of April 8, 1988, June 20, 1988, and September 2, 1988, are vacated, and

2. this case is dismissed as moot. Each party to bear its own costs.

IT IS SO ORDERED.

Dated _____



Judge Thelton E. Henderson,
United States District Court.

FILED

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United States District Court

FOR THE

NORTHERN DISTRICT OF CALIFORNIA

WILLIAM L. WHITTAKER
CLERK, U. S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
CIVIL ACTION FILE NO. C-80-2908

Lillian Blake Puz, et al.,
Plaintiffs,
vs.
United States Dep't of the Interior
Defendant,
Wilfred Colegrove, et al.,
Defendants/Counter/Cross-Claimants

JUDGMENT

This action came ~~on for trial (hearing)~~ before the Court, Honorable Thelton E. Henderson
, United States District Judge, presiding, and the issues having been duly ~~tried~~
(heard) and a decision having been duly rendered,

It is Ordered and Adjudged
that this case is dismissed as moot.

Dated at San Francisco, Ca , this 21st day
of December , 1983

William L. Whittaker

.....
Clerk of Court

BY: Barbara Anderson

Barbara Anderson, Deputy Clerk