

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 09-5179**

**September Term, 2009**

FILED ON: JULY 13, 2010

BUTTE COUNTY, CALIFORNIA,  
APPELLANT

v.

PHILIP N. HOGEN, CHAIRMAN, NATIONAL INDIAN GAMING COMMISSION, ET AL.,  
APPELLEES

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Appeal from the United States District Court  
for the District of Columbia  
(No. 1:08-cv-00519)

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Before: ROGERS and GRIFFITH, *Circuit Judges*, and RANDOLPH, *Senior Circuit Judge*.

**J U D G M E N T**

This cause came on to be heard on the record on appeal from the United States District Court for the District of Columbia and was argued by counsel. On consideration thereof, it is

**ORDERED** and **ADJUDGED** that judgment of the District Court appealed from in this cause be reversed, the Secretary's final action to take the Tribe's lands into trust be set aside, and the case be remanded for further proceedings, in accordance with the opinion of the court filed herein this date.

**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/

Michael C. McGrail  
Deputy Clerk

Date: July 13, 2010

Opinion for the court filed by Senior Circuit Judge Randolph.  
Dissenting opinion filed by Circuit Judge Rogers.