

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

MUWEKMA OHLONE TRIBE,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:03 1231 (RBW)
)	
GALE A. NORTON,)	
Secretary of the Department of the Interior, et al.)	
)	
Defendants.)	
_____)	

PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT

Plaintiff Muwekma Ohlone Tribe (“Tribe”) brings this motion pursuant to Rule 56 of the Federal Rules of Civil Procedure and LcvR 7 for summary judgment in favor of the Tribe in the above-captioned case on the ground that there is no genuine issue of material fact and that the Tribe is entitled to a judgment as a matter of law. Specifically, the Tribe requests an order from this Court finding that the Final Determination issued by the Department of Interior, through the Bureau of Indian Affairs, is arbitrary and capricious and contrary to law and made in violation of equal protection and without due process, and 1) directing the Defendants to reaffirm the Tribe’s status as a federally recognized tribe, to include the Tribe on the list of federally recognized tribes and enjoining Defendants from withholding from the Tribe any benefits and protections afforded other federally recognized tribes, or, 2) in the alternative, to remand the Final Determination to the Department for further consideration.

In support of this motion, the Plaintiff has attached “Points and Authorities in Support of

Plaintiff's Motion for Summary Judgment" and supporting documentation.

Pursuant to LcvR 7(f) the Tribe respectfully requests an oral hearing on this motion.

DATED this 13th day of July, 2005

Respectfully submitted,

/s/ James T. Meggesto

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