

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TILLIE HARDWICK, et al.,
Plaintiffs,
v.
UNITED STATES OF AMERICA, et al.,
Defendants.

Case No. [79-cv-01710-EMC](#)

**ORDER GRANTING PLAINTIFF’S
MOTION TO ENFORCE JUDGMENT**

Docket No. 364

United States District Court
Northern District of California

The Buena Vista Rancheria of Me-Wuk Indians (“the Tribe”) has moved the Court for an order requiring the Bureau of Indian Affairs (BIA) to take restored Rancheria lands into trust pursuant to the 1983 Stipulated Judgment. The Tribe previously moved the Court for an order requiring the BIA to stop taking any action with respect to the Tribe’s immediate fee-to-trust matter until the Court ruled on the pending motion to enforce the 1983 Stipulated Judgment. The Court denied the motion, finding that the Tribe had failed to show that it would be irreparably harmed absent a stay. The BIA subsequently issued a decision letter reaffirming its prior conclusion that it “lacks authority to acquire the Rancheria in trust for the Tribe through the mandatory acquisition process,” and again inviting the Tribe to “apply for a discretionary acquisition of the Rancheria under 25 C.F.R. part 151.” See Notice by USA of Agency Action (Docket No. 388). For the reasons stated below, the Court now **GRANTS** the Tribe’s motion to enforce the 1983 Stipulated Judgment.

///
///
///

1 **I. FACTUAL AND PROCEDURAL BACKGROUND**

2 A. Factual Background Pre-1983 Stipulated Judgment

3 Ancestors of the Buena Vista Rancheria of Me-Wuk Indians have occupied the land
4 throughout Amador County and its surrounding environs for thousands of years. Mot. at 7. In the
5 early 20th century, the United States created a network of land parcels called “Rancherias” for
6 landless Indian tribes throughout California. *Id.* It purchased the Buena Vista lands in 1927,
7 establishing the Buena Vista Rancheria as a reservation for the Tribe and holding it in trust for the
8 benefit of its members. *Id.* In 1958, Congress enacted the California Rancheria Act (“Rancheria
9 Act”), which disestablished many California Rancherias (including the Buena Vista Rancheria)
10 and prescribed a procedure for the distribution of the land and other assets to eligible Indians in
11 fee simple. Opp’n at 3. After termination, the lands became subject to state and federal taxes and
12 the distributees and their dependents lost their special federal status as Indians. *Id.* The United
13 States distributed the Buena Vista Rancheria lands in fee to two members of the Tribe, Louie and
14 Annie Oliver, as joint tenants in 1959. *Id.*

15 In 1979, the Indian residents of seventeen terminated Rancherias joined in a class action
16 lawsuit against the United States, seeking to restore the reservations status of the affected lands.
17 Mot. at 8. The suit culminated in a court-approved Stipulated Judgment in 1983 between the
18 individual distributees of the terminated Rancherias and the United States. Opp’n. at 3-4.

19 B. The 1983 Stipulated Judgment

20 The 1983 Stipulated Judgment first provides that seventeen enumerated Rancherias are
21 “the subject of the provisions of paragraphs 2 through 13” of the Judgment. *See* Stipulation for
22 Entry of Judgment (“1983 Judgment”) ¶ 1 (Docket No. 91). Buena Vista is among the enumerated
23 Rancherias. *See id.* The Judgment certifies a class consisting of “all those persons who received
24 any of the assets of the rancherias listed and described in paragraph 1 pursuant to the California
25 Rancheria Act and any Indian heirs, legatees or successors in interest of such persons with respect
26 to any real property they received as a result of the implementation of the California Rancheria
27 Act.” *See id.* ¶ 2. It restores the status of individual plaintiffs and other class members of the
28 seventeen Rancherias as Indians under the laws of the United States, and directs the Secretary of

1 the Interior to “recognize the Indian Tribes, Bands, Communities or groups” of these seventeen
2 Rancherias with the same status they possessed prior to the 1958 Rancheria Act. *See id.* ¶ 4.

3 There are three **mandatory trust provisions** in the Stipulated Judgment which benefit the
4 enumerated Rancherias. Paragraph 6 provides:

5 “[a]ny named individual plaintiff or class member who received or
6 presently owns fee title to an interest in any former trust allotment
7 by reason of the distribution of the assets of any of the Rancherias
8 listed in paragraph 1 shall be entitled to elect to restore any such
9 interest to trust status, to be held by the United States for the benefit
10 of such Indian person(s).” *See id.* ¶ 6.

11 Paragraph 7, in turn, provides:

12 “[w]ithin two years of date of notice of this judgment, as provided in
13 paragraph 9, the Indian Tribes, Bands, Communities or groups of the
14 seventeen rancherias listed in paragraph 1 that are recognized by the
15 Secretary of the Interior pursuant to paragraph 4 herein may arrange
16 to convey to the United States all community-owned lands within
17 their respective rancherias to which the United States issued fee title
18 in connection with or as the result of the distribution of the assets of
19 said rancherias, to be held in trust by the United States for the
20 benefit of said Tribes, Bands, Communities or groups...” *See id.* at
21 ¶ 7.

22 The third mandatory trust provision, paragraph 8, provides:

23 “[a]ny named plaintiff or other class member herein may elect to
24 convey to the United States any land for which the United States
25 issued fee title in connection with or as the result of the distribution
26 of assets of said rancherias to be held in trust for his/her individual
27 benefit or the benefit of any other member or members of the
28 rancheria.” *See id.* ¶ 8.

In plain terms, class members could invoke the mandatory trust election provisions to
restore the enumerated rancherias to trust status (*i.e.*, to the same federal recognition they enjoyed
before the Rancheria Act was passed in 1958) and to avail themselves of the accompanying tax
benefits.

C. The Tribe’s Attempted Conveyances in 1996 and 2010

The Government asserts that the owners of the Rancheria, Louie and Annie Oliver (who
received fee title to the Rancheria from the United States in 1959), died without conveying the
Rancheria to the United States to be held in trust. Opp’n. at 5. At oral argument, counsel for

1 Buena Vista informed the Court that, in 1983, title to the Rancheria was held by Lucille Lucero,
2 the Olivers' surviving child. Ms. Lucero conveyed her interest by grant deed to Donna Marie
3 Potts, then-spokesperson for the Tribe, in 1996. *Id.* Ms. Potts later received the remaining interest
4 in the property from another individual, John Fielder. Opp'n at 5. That same year, Ms. Potts
5 conveyed the Rancheria by grant deed to the Tribe. *Id.*

6 On July 30, 1996, Buena Vista attempted to exercise the mandatory trust election under the
7 1983 Judgment by conveying the lands to the BIA. Pope Decl. ¶ 4 (Docket No. 364-1). The
8 conveyance included the grant deed vesting the Tribe with title to the Rancheria and cited the
9 *Tillie Hardwick* Stipulated Judgment. *Id.* at ¶¶ 4, 5. On November 18, 1996, the BIA
10 acknowledged the grant deed but stated that it lacked authority to accept the deed into trust,
11 instructing the Tribe to go through the Part 151 process for discretionary acquisitions. Pope Decl.
12 ¶ 6. Under BIA's Part 151 process, state and local governments having regulatory jurisdiction
13 over the land to be acquired in trust status are given 30 days "in which to provide written
14 comments as to the acquisition's potential impacts on regulatory jurisdiction, real property taxes
15 and special assessments." *See* 25 CFR § 151.10. Additionally, the Secretary of the Interior
16 considers certain criteria when evaluating requests for on-reservation acquisitions in trust status,
17 *e.g.*, "[t]he need of ... the tribe for additional land," as well as "[t]he purposes for which the land
18 will be used" and "the impact on the State and its political subdivisions resulting from the removal
19 of the land from the tax rolls." *See* 25 CFR § 151.10(a)-(h). After BIA returned the deed and
20 instructed the Tribe to go through this discretionary acquisition process, the Tribe took no further
21 action because it lacked the resources to investigate whether the BIA had made a mistake in
22 returning the deed. Pope Decl. ¶ 6.

23 On July 7, 2010, Buena Vista once again requested that the BIA take the Rancheria in trust
24 pursuant to the 1983 Stipulated Judgment. Mot. at 16. The Tribe claims that BIA Regional Office
25 staff and leadership "responded in apparent agreement that the conveyance was mandatory under
26 the 1983 Judgment." *Id.* It began working with the Regional Office to satisfy the pre-acquisition
27 "requirements" listed in the BIA Mandatory Trust Handbook, *e.g.*, obtaining title insurance from a
28 commercial title company. *Id.* at 17. However, in 2012, the BIA explained that, since the Tribe

1 had announced its intent to build a casino on the Rancheria, the request should be treated as a
 2 “gaming application” subject to the agency’s discretionary Part 151 process. *Id.* In the ensuing
 3 years, the Tribe continued working with various personnel throughout BIA and DOI in the hopes
 4 that a resolution could be reached on the matter. *Id.* at 18. Eventually, the Tribe received a letter
 5 from the BIA (dated October 10, 2018) which stated that the Buena Vista Rancheria was ineligible
 6 to be brought into trust under the mandatory provisions of the 1983 Stipulated Judgment, and that
 7 the deed should be resubmitted as a discretionary application. *Id.* at 19. Buena Vista appealed this
 8 decision to the Interior Board of Indian Appeals (“IBIA”), and on request from the BIA Regional
 9 Solicitor, the IBIA remanded the matter to the BIA on April 25, 2019. *Id.* The BIA’s final
 10 decision, issued in October 2020, articulates the same rationales for denying the Tribe’s request
 11 (*i.e.*, that the BIA lacks authority under the Stipulated Judgment and that the Tribe’s request
 12 should be processed as a discretionary acquisition under the Part 151 process).

13 II. LEGAL STANDARD

14 A. Motion to Enforce

15 Under the Indian Reorganization Act (“IRA”), 25 U.S.C. §§ 5101-44, the BIA has
 16 discretion to acquire trust title to land or interests in land. *See* Department of the Interior, Bureau
 17 of Indian Affairs, Office of Trust Services, Division of Real Estate Services, Acquisition of Title
 18 to Land Held in Fee or Restricted Fee Status (“Fee-to-Trust Handbook”) at 4, available at
 19 <https://www.bia.gov/node/4361/handbook/attachment/newest> (last visited October 7, 2020). The
 20 BIA’s discretionary acquisitions are distinguishable from its *mandatory* acquisitions—such as the
 21 1983 Judgment—whereby “Congress or a judicial order [] requires the Secretary to accept title to
 22 land into trust, or hold title to certain lands in trust by the United States, for an individual Indian or
 23 Tribe.” *Id.* at 5. Mandatory acquisitions are self-executing because “[t]he Secretary [of the
 24 Interior] does not have discretion to deny the request to accept title of land into trust.” *Id.* at 31.
 25 Thus, if the Court finds that the 1983 Judgment mandates the BIA to take the lands into trust, the
 26 BIA will be bound by that Order; it could not refuse to take the lands into trust. *See Nat. Res. Def.*
 27 *Council v. Jewell*, 749 F. 3d 776, 784 (9th Cir. 2014) (en banc) (“[t]he agency lacks discretion
 28 only if another legal obligation makes it impossible for the agency to exercise discretion for the

1 protected species' benefit"). The issue in this case turns on the interpretation of the 1983
 2 Judgment. In particular, the Tribe contends Paragraph 8 of the Judgment applies. The
 3 Government contends otherwise.

4 **III. DISCUSSION**

5 In response to the Tribe's asserted application of Paragraph 8, the Government argues: (1)
 6 paragraph 8 applies to land owned by individuals, not Indian tribes; (2) the Tribe therefore cannot
 7 be considered a "named plaintiff or other class member" for purposes of paragraph 8; (3) the Tribe
 8 also cannot be considered a "successor in interest," as the class is defined in paragraph 2, because
 9 only individuals are successors in interest; and (4) the Tribe cannot be deemed a "class member"
 10 within the meaning of paragraph 8, because this would circumvent the two-year time limitation in
 11 paragraph 7 and render it a nullity.

12 A. The IBIA's Interpretation of the 1983 Stipulated Judgment in *Santana*

13 The IBIA has previously interpreted the 1983 Stipulated Judgment in an appeal from a
 14 BIA decision that required fee-to-trust applications under the 1983 Judgment to be processed
 15 under 25 C.F.R. Part 151. *Santana v. Sacramento Area Director*, 33 IBIA 135, 1999 I.D. LEXIS
 16 10, at *2-6. In *Santana*, each of the three parcels at issue had been held in trust by the United
 17 States as part of the Cloverdale Rancheria, passed out of trust under the California Rancheria Act
 18 of 1958, and restored to federal recognition under the 1983 Judgment. *Id.* at *2-3. *See also* 1983
 19 Judgment ¶ 1 (including "Cloverdale" among the seventeen enumerated Rancherias subject to the
 20 judgment).

21 First, the IBIA examined the two parcels owned by Appellant Santana, which the BIA area
 22 director had reviewed under the agency's Part 151 process. *Id.* at *11. Upon termination of the
 23 Cloverdale Rancheria in 1958, Mr. Santana was one of five individual distributees of the
 24 Rancheria's lands. *Id.* The IBIA held that, for purposes of determining which of the mandatory
 25 trust provisions (paragraphs 6, 7, or 8) applies to a fee-to-trust application, it must look at how a
 26 particular parcel was owned *at the time the agreement was entered into*. *See id.* at *14
 27 ("Appellants' rights to trust restoration vested, at the latest, *as of the date the court accepted the*
 28 *parties' agreement*") (emphasis added). The IBIA then distinguished paragraphs 7 and 8:

1 “The Board finds nothing in the stipulated judgment which places a
2 time limitation on requests to restore individually owned lands to
3 trust status. Although paragraph 7 of the stipulated judgment places
a limitation on requests to restore community-owned lands, there is
no such limitation in paragraph 8.”

4 *Id.* at *15 (emphasis added). The only restrictions which Paragraph 8 imposes on requests to
5 restore individually owned lands to trust status are “that the class member/owner must elect to
6 convey the distributed lands to the United States to be held in trust.” *Id.* at *14.

7 Because Mr. Santana “ha[d] complied with all of the requirements contained in the
8 stipulated judgment for restoring his individually owned distributed lands to trust status,” the BIA
9 “erred in subjecting his requests to a second scrutiny under 25 C.F.R. Part 151.” *Id.* at *16. The
10 IBIA remanded for verification that “the parcel(s) was individually owned when the stipulated
11 judgment was entered.” *Id.* at *17.

12 The third parcel belonged to the remaining appellants. They conceded that the parcel was
13 initially deeded to the Dusho association, and that they only acquired individual ownership after
14 entry of the stipulated judgment. *Id.* at *18. Nonetheless, they argued that they were “class
15 members” within the meaning of paragraph 3 of the Judgment and were therefore entitled to
16 invoke the timeline-free mandatory trust election provision of paragraph 8. *Id.* The IBIA rejected
17 this argument, again finding that ownership status *at the time of the 1983 Judgment* is dispositive:

18 “Paragraph 7 of the stipulated judgment deals with lands which were
19 community-owned *when the judgment was entered*, and paragraph 8
20 deals with lands which were individually owned *at that time*. If
community-owned lands could be transferred into individual
ownership at any time, with BIA being required to treat those lands
21 as then falling under paragraph 8 of the stipulated judgment,
paragraph 7 would be rendered a nullity.”

22 *Id.* at *19 (emphasis added). Thus, if the parcel was community-owned at the time of the 1983
23 Judgment and the request for trust restoration was not made within the two-year timeframe
24 provided for in Paragraph 7, then BIA properly considered the request to place this parcel into
25 trust status under the discretionary Part 151 process and not under the mandatory provisions of the
26 1983 Judgment. *Id.*

27 *Santana* provides the Court with two useful principles: (1) the Court must look at the status
28 of land ownership *at the time the 1983 Judgment was entered into* in order to determine whether

1 the mandatory fee-to-trust application is subject to the two-year time limit of Paragraph 7, and (2)
2 parties cannot circumvent this time limit by subsequently transferring community-owned parcels
3 to individual ownership.

4 In the case at bar, the Government argues paragraph 8 does not apply to the Tribe's
5 conveyance because that would "render Paragraph 7 'a nullity' and circumvent the time limit
6 agreed to in the Stipulated Judgment." Opp'n at 8. Not so. Under *Santana*, the Court looks to the
7 status of land ownership in 1983 to determine whether the two-year time limit of paragraph 7
8 applies. Because the Buena Vista Rancheria was individually owned – not owned by an Indian
9 Tribe, Board, or community or groups of the rancheria – at the time of the 1983 Judgment, the
10 two-year time limit does not apply. The Government's concern about circumvention of paragraph
11 7 is misplaced, because the Buena Vista Rancheria was never subject to the two-year time limit in
12 the first place.

13 B. The Tribe as a "Successor in Interest"

14 Since the two-year time limit of paragraph 7 does not apply to the Tribe's conveyance, the
15 Tribe contends it has standing to invoke the mandatory trust election provision of paragraph 8.
16 This depends upon whether the Tribe is a "class member" under Paragraph 8. That question turns
17 on whether it is a "successor in interest" includable in the class definition in paragraph 2. *See*
18 1983 Judgment ¶ 2 ("[t]he Court shall certify a class consisting of all those persons who received
19 any of the assets of the rancherias listed and described in paragraph 1 pursuant to the California
20 Rancheria Act and any Indian heirs, legatees or successors in interest of such persons with respect
21 to any real property they received as a result of the implementation of the California Rancheria
22 Act").

23 The 1983 Judgment does not define "successor in interest." The Court thus begins with
24 the plain meaning of the term "successor in interest" and then looks to the purpose of the
25 Stipulated Judgment. *See Me v. Thiboutot*, 448 U.S. 1, 13-14 (1980) ("[w]e have recognized
26 consistently that statutes are to be interpreted not only by a consideration of the words themselves,
27 but by considering, as well, the context, the purposes of the law, and the circumstances under
28 which the words were employed") (internal citations omitted).

1 Black's Law Dictionary's defines successor in interest as: "[s]omeone who follows another
2 in ownership or control of property. A successor in interest retains the same rights as the original
3 owner, with no change in substance." Black's Law Dictionary (10th ed. 2014) (p. 1660, col. 2).
4 Status as a successor in interest does not turn on the legal form of the entity – it is not restricted to
5 individuals. Thus, it is common for courts to find that legal entities such as corporations are
6 successors in interest in various contexts. *See, e.g., Abatie v. Alta Health & Life Ins. Co.*, 421 F.3d
7 1053, 1057 (9th Cir. 2005) (an appeal by a widow of the denial of her claim for life insurance
8 benefits from her husband's employee welfare benefit plan, which was administered by Alta
9 Health & Life Insurance Company, the "successor in interest" to the Home Life Financial
10 Assurance Company's rights and responsibilities under the plan); *Aetna Casualty & Surety Co. v.*
11 *Merritt*, 974 F.2d 1196, 1197 (9th Cir. 1992) (in a suit regarding the scope of insurer liability for a
12 joint venture condominium project, the Court noted that defendant RFS Development Corporation
13 "is the successor in interest to Foothill [Service Corporation]," another named defendant); *Allied-*
14 *Signal, Inc. v. Dir., Div. of Taxation*, 504 U.S. 768, 773 (1992) ("Petitioner Allied-Signal, Inc., is
15 the successor-in-interest to the Bendix Corporation (Bendix). The present dispute concerns
16 Bendix's corporate business tax liability to the State of New Jersey for the fiscal year ending
17 September 30, 1981").

18 In fact, the U.S. Supreme Court has used the term "successor in interest" to describe the
19 nonprofit successor of an Indian Tribe. *S.C. v. Catawba Indian Tribe*, 476 U.S. 498, 500 n.2
20 (1986) ("Respondent, Catawba Indian Tribe, Inc., is a nonprofit corporation organized under the
21 laws of South Carolina in 1975. Like the District Court and the Court of Appeals, *we assume that*
22 *respondent is the successor in interest of the Catawba Indian Tribe of South Carolina*") (emphasis
23 added); *see also Delorme v. United States*, 354 F.3d 810, 814 n.6 (8th Cir. 2004) ("[a]t least two
24 groups currently claim to be Little Shell Bands descended from the Pembina led by Chief Little
25 Shell in the late nineteenth century ... [t]he Montana Tribe appears to be the successor in interest
26 to the Little Shell Band of Chippewa Indians").

27 Hence, the term "successor in interest" commonly refers to all successors in interest,
28 irrespective of their legal status as individuals, corporations, etc. If the parties to the 1983

1 Judgment intended “successor in interest” to have some special meaning different from the
 2 common meaning, the Court would expect to find language to that effect. The 1983 Judgment
 3 restores federal recognition to Indian *Tribes* in paragraph 4, and it would be odd for the parties to
 4 prevent these Tribes from inheriting individually owned lands and conveying them in trust under
 5 paragraph 8, without so specifying. And notably, Paragraph 6 of the 1983 Judgment makes
 6 reference to “[a]ny named *individual* plaintiff or class member.” 1983 Judgment ¶ 6 (emphasis
 7 added). Paragraph 8, however, does not. *See* 1983 Judgment ¶ 8 (“[a]ny named plaintiff or other
 8 class member herein may elect to convey to the United States...”).

9 The Court’s reading of “successor in interest” comports with the *purpose* of the 1983
 10 Judgment, which is to restore the enumerated Rancherias—along with their associated Indian
 11 Tribes—to the federal status they enjoyed pre-1958. It is true, as the Government notes, that
 12 Paragraph 2 defines the class as all "persons" having ownership interests in the enumerated
 13 rancherias, but this is because the enumerated rancherias were, by and large, individually owned
 14 as a direct result of the California Rancheria Act of 1958. The purpose of the 1983 Judgment was
 15 to undo the effects of the 1958 Act by restoring federal recognition to Indian Tribes and
 16 Rancherias. It would be peculiarly contradictory for the parties to restore federal recognition to
 17 these Tribes under paragraph 4 and simultaneously deny them any benefits as “successors in
 18 interest” under paragraph 2. Absent a clearly articulated intent by the parties to depart from the
 19 ordinary meaning of the term, the Court finds that the Buena Vista Rancheria of Me-Wuk Indians
 20 is a successor in interest to the Olivers’ real property interest in the Buena Vista Rancheria.

21 C. The Three Mandatory Trust Provisions (Paragraphs 6, 7, and 8)

22 As noted above, Paragraph 6 of the 1983 Stipulated Judgment provides relief for “[a]ny
 23 *named individual* plaintiff or class member” owning fee title to an interest in any of the
 24 enumerated rancherias of paragraph 1. 1983 Judgment ¶ 6 (emphasis added). Paragraph 8, in
 25 turn, provides relief for “[a]ny *named plaintiff* or other class member” owning fee title to an
 26 interest in these enumerated rancherias. 1983 Judgment ¶ 8. The parties to the Judgment
 27 presumably intended the difference in wording to have import, particularly because these two
 28 paragraphs are exceedingly similar in every other respect. This inference comports with the

1 Court’s judicial practice to “give effect, if possible, to every clause and word of a statute.”
 2 *Advocate Health Care Network v. Stapleton*, 137 S. Ct. 1652, 1659 (2017) (internal quotation
 3 marks omitted); *see also Williams v. Taylor*, 529 U.S. 362, 404 (2000) (“[i]t is, however, a
 4 cardinal principle of statutory construction that we must give effect, if possible, to every clause
 5 and word of a statute”) (internal quotation marks omitted). Moreover, if the word “individual”
 6 limits the word “plaintiff” in paragraph 6 (*i.e.*, as a means of restricting relief to individual
 7 landowners), one would expect the same limitation to precede “successors in interest” in
 8 paragraph 2 if the parties intended to limit successors in interest to individuals. It does not.¹

9 Finally, a contrary interpretation would eviscerate the distinction between paragraphs 6 and
 10 8. Paragraph 8 would be functionally equivalent to Paragraph 6. *See Yates v. United States*, 574
 11 U.S. 528, 543 (2015) (“[T]he canon against surplusage is strongest when an interpretation would
 12 render superfluous another part of the same statutory scheme”) (internal citations omitted); *see*
 13 *also Marx v. Gen. Revenue Corp.*, 568 U.S. 371, 386 (2013). At oral argument, counsel for the
 14 Government was unable to articulate what purpose paragraph 8 would serve if it applies solely to
 15 individuals.

16 The Tribe is therefore a successor in interest, as defined in paragraph 2, and has standing to
 17 invoke the mandatory trust election provision of paragraph 8.²

18 ///

19 ///

21 ¹ The BIA formally notified the Tribe that it has issued a disapproval of its application for a
 22 mandatory trust acquisition. *See* Notice by USA of Agency Action (Docket No. 388). But that
 23 decision is not dispositive because the Court now issues an order requiring Defendant to accept the
 24 Tribe’s land into trust pursuant to the 1983 Judgment. The Judgment, so construed, obviates the
 25 BIA’s discretion. *See Jewell*, 749 F. 3d at 784 (“[t]he agency lacks discretion only if another legal
 26 obligation makes it impossible for the agency to exercise discretion for the protected species’
 27 benefit”).

28 ² The Tribe’s standing to enforce the 1983 Judgment is consistent with the fact that it, and the
 other listed Rancherias, are expressly provided rights under the Judgment. For instance, the Tribe
 is one of the “Indian Tribes, Bands, Communities or groups of the seventeen rancherias listed in
 paragraph 1” that had its federal recognition restored under Paragraph 4. *See* 1983 Judgment ¶ 4.
 These Indian Tribes, Bands, Communities or groups could also convey all community-owned
 lands to the United States to be held in trust under Paragraph 7, provided they did so within the
 two-year time limit. *See id.* ¶ 7.

1 **IV. CONCLUSION**

2 For the foregoing reasons, the Court **GRANTS** the Tribe's Motion to Enforce the 1983
3 *Tillie Hardwick* Stipulated Judgment. Defendants shall effectuate compliance forthwith.

4 This order disposes of Docket No. 364.

5
6 **IT IS SO ORDERED.**

7
8 Dated: November 13, 2020

9
10 

11 EDWARD M. CHEN
12 United States District Judge

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
United States District Court
Northern District of California