
IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

UTE INDIAN TRIBE OF THE UINTAH & OURAY RESERVATION, a federally recognized Indian Tribe; UTE INDIAN TRIBE OF THE UINTAH & OURAY RESERVATION, a federally chartered corporation; the UINTAH AND OURAY TRIBAL BUSINESS COMMITTEE, SHAUN CHAPOOSE, Chairman of the Uintah and Ouray Tribal Business Committee, and UTE ENERGY HOLDINGS LLC, a Delaware LLC; Plaintiffs,

v.

HONORABLE BARRY G. LAWRENCE, District Judge, Utah Third Judicial District Court, in his Individual and Official Capacities, and LYNN D. BECKER, Defendants.

**ORDER FOLLOWING ORAL RULING
GRANTING MOTION FOR LEAVE TO
SUBMIT A SUR-REPLY (DKT. 37),
GRANTING MOTION TO DISMISS FOR
LACK OF JURISDICTION (DKT. 19),
AND DISMISSING THE CASE**

Case No. 2:16-CV-00579-RJS

Judge Robert J. Shelby

On August 16, 2016, the court heard argument on the pending motions in this case.

Frances Bassett, Thomasina Real Bird, Preston Stieff, and Jeremy Patterson appeared at the hearing for the Plaintiffs, Ute Indian Tribe of the Uintah & Ouray Reservation; the Uintah and Ouray Tribal Business Committee; Shaun Chapoose; and Ute Energy Holdings, LLC. David Isom represented Defendant Lynn D. Becker. Nancy Sylvester and Keisa Williams appeared for Judge Barry G. Lawrence.

For the reasons stated on the record at the hearing, the court ruled as follows:

1) Plaintiffs' Motion for Leave to Submit a Sur-reply to the Reply filed by Defendant Lynn D. Becker¹ is GRANTED. Plaintiffs' Sur-reply² was received and considered by the court;


2) Defendant Becker's Motion to Dismiss for Lack of Subject Matter Jurisdiction³ was granted after the court dismissed without prejudice the purported 42 U.S.C. § 1983 and § 1985 claims the Amended Complaint;

3) The remaining motions pending in the case—Plaintiffs' Verified Motion for Preliminary Injunction⁴ and Defendant Judge Lawrence's Motion to Dismiss⁵—are rendered moot by the court's ruling granting Becker's Motion to Dismiss.

In light of the court's determination that it lacks jurisdiction in this case, this matter is dismissed. The Clerk of Court is directed to close this case.

SO ORDERED this 16th day of August, 2016.

BY THE COURT:


ROBERT J. SHELBY
United States District Judge

¹ Dkt. 37.

² Dkt. 37.

³ Dkt. 19.

⁴ Dkt. 13.

⁵ Dkt. 12.