

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

ELOUISE PEPION COBELL, et al.,

Plaintiffs-Appellees,

v.

No. 05-5269

GALE A. NORTON,
Secretary of the Interior, et al.,

Defendants-Appellants.

ELOUISE PEPION COBELL, et al.,

Plaintiffs-Appellees,

v.

No. 05-5388

GALE A. NORTON,
Secretary of the Interior, et al.,

Defendants-Appellants.

**APPELLANTS' REPLY IN SUPPORT OF
MOTION TO SCHEDULE ARGUMENT IN NO. 05-5269
BEFORE THE PANEL HEARING ARGUMENT IN NO. 05-5388**

As explained in our motion, these appeals arise out of the same case. Briefing in No. 05-5269 will be completed on February 3. Briefing in 05-5388 will be completed on March 3. This Court has previously ordered that No. 05-5388 be calendared for argument in April. The government's motion urges that both appeals be calendared for the same date before the same panel.

The calendaring of the two appeals is, of course, entirely within the discretion of the Court. We reply only to note that plaintiffs offer no plausible reason why the Court should not exercise its discretion to calendar the two appeals together.

Their apparent indignation at what they suggest is an "extraordinary" proposal (Opposition at 7), and their assertion that granting the motion would delay resolution of the appeal in No. 05-5388, are difficult to fathom.

Respectfully submitted,

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FEBRUARY 2006

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of February, 2006, I caused copies of the foregoing reply to be sent to the Court and to the following by hand delivery:

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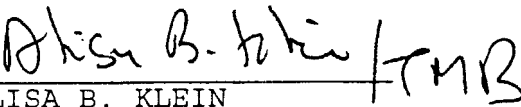
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