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U.S. DISTRICT COURT  
DISTRICT OF COLUMBIA

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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HANCY M.  
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ELOUISE PEPION COBELL, et al., )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 GALE A. NORTON, Secretary of the Interior, )  
 et al., )  
 )  
 Defendants. )  
 )  
 )

Case No. 1:96CV01285  
(Judge Lamberth)

**DEFENDANTS' OPPOSITION TO EDDIE JACOBS'S  
BRIEF/ARGUMENT IN SUPPORT OF HIS MOTION  
FOR LEAVE TO FILE AMICUS CURIAE PRO SE**

Defendants file this opposition to Eddie Jacobs's Brief/Argument in Support of Motion for Leave to File Amicus Curiae Pro Se ("Brief/Argument"). Mr. Jacobs has previously filed a motion for amicus status as well as a reply to Defendants' brief in opposition. The Court has not ruled upon that motion, and the Local Rules do not permit him to file this Brief/Argument. The Court should therefore not consider Mr. Jacobs's Brief/Argument.

Mr. Jacobs filed his Motion for Leave to File Amicus Curiae Pro Se on July 8, 2003. In this document, Mr. Jacobs presented several arguments in support of his amicus request. On July 22, 2003, Defendants filed their opposition brief. On August 1, 2003, Mr. Jacobs filed his reply memorandum. In this document, Mr. Jacobs addressed many points raised in Defendants' opposition brief. In the meantime, on July 28, Mr. Jacobs had filed his Brief/Argument. In this Brief/Argument, Mr. Jacobs reiterated many of the arguments made in his initial Motion and in his Reply.

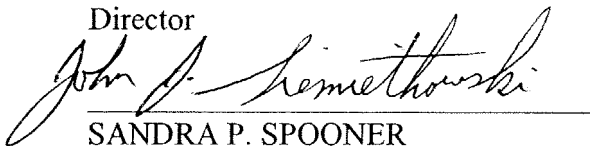
The Local Rules require a motion to be accompanied by a "statement of points and authorities," see Local Civil Rule 7.1(a), and permit a brief in opposition to be filed eleven days later, id. at 7.1(b), followed by a reply memorandum five days later, id. at 7.1(d). As the Local Rules do not permit any further pleadings in response to a motion, the Court should not consider Mr. Jacobs's Brief/Argument.

In the event the Court chooses to consider Mr. Jacobs's Brief/Argument, then the Court should deem it a reply memorandum and should not consider the reply memorandum Mr. Jacobs filed on August 1, 2003. If the Court permits Mr. Jacobs to file his Brief/Argument as an additional pleading, Defendants hereby incorporate Defendants' Opposition to Eddie Jacobs's Motion for Leave to File Amicus Curiae Pro Se, filed July 22, 2003.

Dated: August 15, 2003

Respectfully submitted,

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PETER D. KEISLER  
Assistant Attorney General  
STUART E. SCHIFFER  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ELOUISE PEPION COBELL, <u>et al.</u> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 1:96CV01285
	)	(Judge Lamberth)
GALE A. NORTON, Secretary of the Interior,	)	
<u>et al.</u> ,	)	
	)	
Defendants.	)	
_____	)	

**ORDER**

Having considered Eddie Jacobs's Brief/Argument in Support of his Motion for Leave to File Amicus Curiae Pro Se, Defendants' Opposition to same, and any other responses, it is hereby **Ordered that**:

Eddie Jacobs's Brief/Argument in Support of his Motion for Leave to File Amicus Curiae Pro Se shall not be filed.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Hon. Royce C. Lamberth  
United States District Judge

cc:

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CERTIFICATE OF SERVICE

I declare under penalty of perjury that, on August 15, 2003 I served the foregoing *Defendants' Opposition to Eddie Jacobs's Brief/Argument in Support of His Motion for Leave to File Amicus Curiae Pro Se* by facsimile in accordance with their written request of October 31, 2001 upon:

Keith Harper, Esq.  
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1712 N Street, N.W.  
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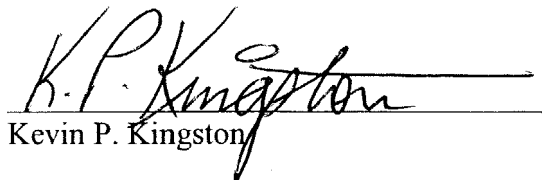
Per the Court's Order of April 17, 2003,  
by facsimile and by U.S. Mail upon:

Earl Old Person (*Pro se*)  
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Kevin P. Kingston