

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

**ELOUISE PEPION COBELL, et al.,
on their own behalf and on behalf of
all those similarly situated,**

Plaintiffs,

v.

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

Defendants.

Civil Action No. 96-1285 (RCL)

ORDER

On September 14, 2004 the United States Court of Appeals for the District of Columbia Circuit issued its decision in In re Brooks, reported at 383 F.3d 1036 (D.C. Cir. 2004). In the order accompanying that opinion, the Court of Appeals denied the petitioners' request for a writ of mandamus recusing this Court from presiding over the contempt proceedings related to this litigation. See United States Court of Appeals Order, No. 03-5047, issued Sept. 14, 2005. The United States Supreme Court has now declined to review the Court of Appeals' In re Brooks decision, having denied the petition for certiorari by order dated February 22, 2005. See Babbitt, et al. v. USDC DC, et al., No. 04-811, 543 U.S. ____ (Feb. 22, 2004) (order denying certiorari). These orders resolve once and for all the question of this Court's authority to preside over the contempt proceedings in this case. Accordingly, it is hereby

ORDERED that this Court will conduct a Status Conference on March 3, 2005, at 10:00 AM, concerning all pending motions to show cause and any other pending motions related to the

contempt proceedings in this case.

SO ORDERED.

Signed by Royce C. Lamberth, United States District Judge, February 23, 2005.