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US Court of Appeals for the First Circuit Case Summary

Court of Appeals Docket #: 03-2647

Filed: 12/8/03

Nsuit: 2890 Other Statutory Actions

Carcieri, et al v. Norton, et al

Appeal from: U.S. District Court for the District of Rhode Island

Lower court information:

District: 0103-1 : 00-00375

lead: 00-00375

Ordering Judge: Mary M. Lisi, Judge

4/28/05 RESPONSE to appellants' 28j letter filed by appellees [979579-1]. Certificate of service is not dated. [979579-1] [03-2647] (susn)

5/26/05 ORDER entered by Judge Juan R. Torruella, Judge Jeffrey R. Howard and Judge Joseph A. DiClerico. Pursuant to Fed. R. App. P. 35(e) and 1st Cir. R. 35(e), the Secretary of the Department of the Interior is directed to file a response to the state appellants' petition for rehearing en banc. This response shall not exceed 15 pages and shall be submitted no later than 20 days from the issuance of this order. The Secretary's brief shall address the state appellants' arguments concerning the application of the Indian Reorganization Act of 1934 to the Narragansett Indian Tribe, including specifically any support the Secretary has for the assertion made at oral argument and supported by the Brief of Amici Curiae National Congress of American Indians et al., that "all the Secretaries of the Interior for the last 70 years have read the word 'now' to mean the present, as at the time of a tribe's application," and that trust acquisitions for scores of tribes would be implicated if this Court were to accept the state appellants' argument. The State shall file a reply, not to exceed 15 pages, within 10 calendar days of service of the Secretary's response to the petition for rehearing en banc. The State is directed to file supplemental briefing, not to exceed 15 pages, and submitted no later than 20 days from the issuance of this order, regarding the State's alternative argument, that even if additional land may be taken into trust on behalf of the Narragansetts, the trust must be restricted to preserve Rhode Island's civil and criminal laws and jurisdiction. The Secretary shall file a reply, not to exceed 15 pages, within 10 calendar days of service of the State's supplemental brief. [03-2647] (susn)

5/26/05 BRIEFING SCHEDULE UPDATED. The 5/26/05 order directed the Secretary of the Dept of the Interior to file a supplemental brief, not to exceed 15 pages, within 10 calendar days of service of the state appellants' supplemental brief. [03-2647] (susn)

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