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13 UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
14 SACRAMENTO DIVISION

15 THE UNITED STATES OF AMERICA)

16 Plaintiff,)

17 v.)

18 H.C. ANGLE, *et al.*,)

19 Defendants.)
20)
21)

CIV. NO. S-80-583-LKK
[In Equity No. 30]

UNITED STATES' NOTICE RE:
DISMISSAL OF DEFENDANT'S
STATE COURT PETITION

22 On April 19, 2010, the plaintiff United States of America filed a notice (Doc. 314) to
23 inform the court that Defendant Michael J. Barkley had filed a Petition for Writ of Mandate in
24 the Superior Court for the State of California, County of Sacramento, No. 34-2010-80000513
25 (filed April 12, 2010). On May 25, 2010, in response to the court's April 28, 2010 Order (Doc.
26 316), the United States filed a Response (Doc. 318) that addressed the potential impact of that
27 state court petition on the pending proceedings before this court in connection with enforcement
28 of the Angle Decree.

1 On June 10, 2010, Mr. Barkley filed a Notice of Settlement and dismissed his state court
2 petition without prejudice. A copy of that Notice of Settlement is attached as Exhibit A. In light
3 of the dismissal of the state court petition, the United States no longer has any basis to consider
4 removing the state court action to federal court. Moreover, the United States no longer has a
5 concern regarding the possible jurisdictional conflict between that petition and the present
6 action. If Mr. Barkley should file a new state court petition following a final decision by the
7 State Water Resources Control Board, the United States will notify the court and determine what
8 course of action, if any, is appropriate at that time.

9 Respectfully submitted this 14th day of June, 2010.

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16 /s/ *Charles R. Shockey*

17 CHARLES R. SHOCKEY (D.C. Bar # 914879)
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CERTIFICATE OF SERVICE

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2 The undersigned hereby certifies that: he is an employee in the Sacramento Field Office
3 of the United States Department of Justice, Environment and Natural Resources Division, 501
4 "I" Street, Suite 9-700, Sacramento, California, 95814-2322; he is a person of such age and
5 discretion to be competent to serve papers; and, on June 14, 2010, he served a copy of the
6 "United States' Response to Court Order regarding Process to Enforce Decree" on all counsel of
7 record through the court's Electronic Case Filing system and, in addition, by causing copies to
8 be placed in a prepaid envelope addressed to the person hereinafter named, at the place and
9 address stated below, which are the last known place and addresses, and by depositing said
10 envelope and contents in the United States Mail at Sacramento, California:

11 **VIA U.S. MAIL:**

12 **George Wilson**
13 Office of the Water Master
14 Stony Creek and Tributaries
15 828 Eighth Street
16 Orland, CA 95693

17 /s/ *Charles R. Shockey*

18 Charles R. Shockey
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