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UNITED STATES DISTRICT COURT
CAROL J. FERGUSON
DISTRICT OF NEVADA BY _____
DEPUTY

-oOo-

IN THE MATTER OF:)
FORFEITURE OF COLLATERAL IN)
LIEU OF APPEARANCE RELATIVE TO)
CONDUCT IN NATIONAL FORESTS,) AMENDED SPECIAL ORDER NO. 18
AND VIOLATIONS OF RULES AND)
REGULATIONS APPLICABLE TO AND)
GOVERNING THE SAME.)

Persons charged with violation in this District within the territorial jurisdiction of a United States Magistrate, of any offense listed below, whether originating under 36 CFR, as now or thereafter amended and applicable, issued under and pursuant to 76 Stat. 1157, Sec. 6 and 78 Stat. 745 (16 USC §551), or under application State statute by virtue of the Assimilated Crimes Act (18 USC §713), may, unless "Mandatory Appearance" is indicated for the particular offense, or the officer issuing the citation (at his discretion in aggravated case) requires a personal appearance, post collateral in the amount indicated for the offense, waive appearance before a Magistrate and consent to forfeiture of the collateral, which forfeiture shall be equivalent to a conviction.

<u>VIOLATION</u>	<u>COLLATERAL</u>
36 CFR 261.3	<u>INTERFERING WITH OR GIVING FALSE REPORT TO A FOREST OFFICER</u>

The following are prohibited:

- | | | | |
|----|--------|--|----------------------------|
| 1 | (a) | Threatening, resisting, intimidating, or interfering with any Forest Officer engaged in or on account of the performance of his official duties in the protection, improvement, or administration of the National Forest System is prohibited. | MANDATORY APPEARANCE (M/A) |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | (b) | Giving any false, fictitious or fraudulent report or other information to any Forest Officer engaged in or on account of the performance of his official duties knowing that such report or other information contains false, fictitious or fraudulent statement or entry. | M/A |
| 6 | | | |
| 7 | | | |
| 8 | | | |
| 9 | 36 CFR | | |
| 10 | 261.4 | <u>DISORDERLY CONDUCT</u> | |
| 11 | | The following are prohibited: | |
| 12 | (a) | Engaging in fighting. | M/A |
| 13 | (b) | Addressing any offensive, derisive or annoying communication to any other person who is lawfully present when such communication has a direct tendency to cause acts of violence by the person to whom, individually, the remark is addressed. | M/A |
| 14 | | | |
| 15 | | | |
| 16 | | | |
| 17 | (c) | Make statements or other actions directed toward inciting or producing imminent lawless action and likely to incite or produce such action. | M/A |
| 18 | | | |
| 19 | (d) | Causing public inconvenience, annoyance, or alarm by making unreasonably loud noise. | \$25.00 |
| 20 | | | |
| 21 | 36 CFR | | |
| 22 | 261.5 | <u>FIRE</u> | |
| 23 | | The following are prohibited: | |
| 24 | (a) | Carelessly or negligently throwing or placing any ignited substance or other substance that may cause a fire. | \$30.00 |
| 25 | | | |
| 26 | (b) | Firing any tracer bullet or incendiary ammunition. | \$30.00 |
| 27 | | | |
| 28 | (c) | Causing timber, trees, slash, brush or grass to burn except as authorized by permit. | M/A |

- | | | | |
|---|-----|---|---------|
| 1 | (d) | Leaving a fire without completely extinguishing it. | \$30.00 |
| 2 | (e) | Allowing a fire to escape from control. | M/A |
| 3 | (f) | Building, attending, maintaining, or | |
| 4 | | using a campfire without removing all | |
| 5 | | flammable material from around the camp- | |
| | | fire adequate to prevent its escape. | \$25.00 |

36 CRF
261.6

TIMBER AND OTHER FOREST PRODUCTS

The following are prohibited:

- | | | | |
|----|-----|--|-----|
| 8 | (a) | Cutting or otherwise damaging any tim- | |
| 9 | | ber, tree or other forest product, ex- | |
| 10 | | cept as authorized by permit, timber | |
| | | sale contract, Federal law or regula- | M/A |
| 11 | (b) | Cutting any standing tree under permit | |
| 12 | | or timber sale contract, before a Forest | |
| 13 | | Officer has marked it or has otherwise | M/A |
| | | designated it for cutting. | |
| 14 | (c) | Removing any timber or other forest pro- | |
| 15 | | duct cut under permit or timber sale | |
| 16 | | contract, except to a place designated | |
| 17 | | for scaling, or removing it from that | |
| | | place before it is scaled, measured, | |
| | | counted, or otherwise accounted for by | M/A |
| | | a Forest Officer. | |
| 18 | (d) | Stamping, marking with paint, or other- | |
| 19 | | wise identifying any tree or other for- | |
| 20 | | est product in a manner similar to that | |
| | | employed by Forest Officers to mark or | |
| | | designate tree or any other forest pro- | M/A |
| | | duct for cutting or removal. | |
| 21 | (e) | Loading, removing or hauling timber or | |
| 22 | | other forest product acquired under any | |
| 23 | | permit or timber sale contract unless | |
| | | such product is identified as required | |
| | | in such permit or contract. | M/A |
| 24 | (f) | Selling or exchanging timber or other | |
| 25 | | forest product obtained under free use | |
| 26 | | pursuant to Paragraph (e), (f), or (b) | |
| | | of §223.1. | M/A |
| 27 | (g) | Violating any timber export or substitu- | |
| 28 | | tion restriction in §223.10. | M/A |

1 (h) Removing any timber, tree, or other for-
2 est product, except as authorized by
3 permit, timber sale contract, Federal
4 law or regulation. M/A

3 36 CFR
4 261.7

LIVESTOCK

5 The following are prohibited:

- 6 (a) Placing or allowing unauthorized live-
7 stock to enter or be in the National
8 Forest System or other lands under For-
9 est Service control. M/A
- 10 (b) Not removing unauthorized livestock from
11 the National Forest System or other
12 lands under Forest Service control
13 when requested by a Forest Officer. M/A
- 14 (c) Failing to reclose any gate or other
15 entry. \$25.00
- 16 (d) Molesting, injuring, removing or re-
17 leasing any livestock impounded under
18 §262.2 while in the custody of the For-
19 est Service or its authorized agents. M/A

20 36 CFR
21 261.8

FISH AND WILDLIFE

22 The following are prohibited to the extent
23 Federal or State law is violated:

- 24 (a) Hunting, trapping, fishing, catching,
25 molesting, killing or having in posses-
26 sion any kind of wild animal, bird, or
27 fish, or taking the eggs of any such
28 bird. M/A
- 29 (b) Possessing a firearm or other implement
30 designated to discharge a missile cap-
31 able of destroying animal life. \$50.00
- 32 (c) Possessing equipment which could be
33 used for hunting, fishing or trapping. \$50.00
- 34 (d) Possessing a dog not on leash or other-
35 wise confined. \$25.00

36 36 CFR
37 361.9

PROPERTY

38 The following are prohibited:

- 1 (a) Damaging any natural feature or other M/A
property of the United States.
- 2 (b) Removing any natural feature or other M/A
3 property of the United States.
- 4 (c) Damaging any plant that is classified as
5 a threatened, endangered, sensitive,
rare, or unique species. M/A
- 6 (d) Removing any plant that is classified as
7 a threatened, endangered, sensitive,
rare, or unique species. M/A
- 8 (e) Entering any building, structure, or en-
9 closed area owned or controlled by the
United States when such building, struc-
10 ture, or enclosed area is not open to
the public. M/A
- 11 (f) Using any herbicide, pesticide or fungi-
12 cide except for personal use for medical
purposes or as an insect repellant or
with permission for other minor uses. M/A
- 13 (g) Digging in, excavating, disturbing, in-
14 juring, destroying, or in any way dam-
aging any paleontological, prehistoric,
15 historic or archaeological resource,
structure, site, artifact or property. M/A
- 16 (h) Removing any paleontological, prehis-
17 toric, historic, or archaeological re-
source, structure, site, artifact or
18 property. M/A

19 36 CFR
20 261.10 OCCUPANCY AND USE

21 The following are prohibited:

- 22 (a) Constructing, placing, or maintaining
23 any kind of road, trail, structure,
fence, enclosure, communication equip-
24 ment, or other improvement without a
permit. M/A
- 25 (b) Taking possession of, occupying or
26 otherwise using National Forest System
lands for residential purposes without
a permit or as otherwise authorized by
27 Federal law or regulation. M/A
- 28 (c) Selling or offering for sale any mer-
chandise, conducting any kind of work

1	activity or service unless authorized by Federal law, regulation or permit.	M/A
2		
3	(d) Discharging a firearm or any other implement capable of taking human life, causing injury, or damaging property:	
4		
5	(1) In or within 150 yards of a residence, building, campsite, developed recreation site or occupied area, or	
6		
7	(2) Across or on a Forest Development road or a body of water adjacent thereto, or in any manner or place whereby any person or property is exposed to injury or damage as a result in such discharge.	M/A
8		
9		
10		
11	(e) Abandoning any personal property.	\$50.00
12		
13	(f) Placing a vehicle or other object in such a manner that it is an impediment or hazard to the safety or convenience of any person.	\$25.00
14		
15	(g) Posting, placing or erecting any paper, notice, advertising material, sign or similar matter without a permit.	\$25.00
16		
17	(h) Operating or using in or near a campsite, developed recreation site, or over an adjacent body of water without a permit, any device which produces noise, such as a radio, television, musical instrument, motor or engine in such a manner and at such a time so as to unreasonably disturb any person.	\$25.00
18		
19		
20		
21	(i) Operating or using a public address system, whether fixed, portable or vehicle mounted, in or near a campsite, developed recreation site, or over an adjacent body of water without a permit.	\$25.00
22		
23		
24	(j) Conducting, demonstrating, or participating in a public meeting, assembly, or special event, except as authorized by permit.	\$50.00
25		
26		
27	(k) Violating any terms or condition of a permit.	\$25.00
28		

1	(1)	Failing to stop a vehicle when directed to do so by a Forest Officer.	\$25.00
2	36 CFR		
3	261.11	<u>SANITATION</u>	
4		The following are prohibited:	
5	(a)	Depositing in any toilet, toilet vault, or plumbing fixture any substance which could damage or interfere with the operation or maintenance of the fixture.	\$25.00
6			
7	(b)	Possessing or leaving refuse, debris, or litter in an exposed or unsanitary condition.	\$25.00
8			
9	(c)	Placing in or near a stream, lake or other water any substance which does or may pollute a stream, lake or other water.	\$50.00
10			
11			
12	(d)	Failing to dispose of all garbage, including any paper, can, bottle, sewage, waste water or material, or rubbish either by removal from the site or area or by depositing it into receptacles or at places provided for such purposes.	\$25.00
13			
14			
15	(e)	Dumping any refuse, debris, trash or litter brought as such from private property or from land occupied under permit, except, where a container, dump or similar facility has been provided and is identified as such, to receive trash generated from private lands or lands occupied under permit.	M/A
16			
17			
18			
19			
20	36 CFR		
21	262.12	<u>FOREST DEVELOPMENT ROADS AND TRAILS</u>	
22	(a)	Violating the load, weight, height, length or width limitations prescribed by State law, except by permit, written agreement, or where greater or lesser limits have been established pursuant to §261.54.	\$25.00
23			
24	(b)	Failing to have a vehicle weighed at a Forest Service weighing station, if required by a sign.	\$25.00
25			
26	(c)	Damaging and leaving in a damaged condition any such road, trail, or segment thereof.	M/A
27			
28			

1	(d)	Blocking, restricting, or otherwise interfering with the use of a road, trail or gate.	\$25.00
2			
3	(e)	Using motorized vehicles in excess of 40 inches in width on a trail.	\$25.00
4	36 CFR		
5	261.13	<u>USE OF VEHICLES OFF ROADS</u>	
6		It is prohibited to operate any vehicle off Forest Development, State, or County roads:	
7	(a)	Without a valid license as required by State law.	\$25.00
8			
9	(b)	Without an operable braking system.	\$25.00
10	(c)	From one-half hour after sunset to one-half hour before sunrise unless equipped with working head and tail lights.	\$25.00
11			
12	(d)	In violation of any applicable noise emission standard established by any Federal or State agency.	\$25.00
13			
14	(e)	While under the influence of alcohol or other drug.	M/A
15	(f)	Creating excessive or unusual smoke.	\$25.00
16	(g)	Carelessly, recklessly, or without regard for the safety of any person, or in a manner that endangers or is likely to endanger any person or property.	\$50.00
17			
18	(h)	In a manner which damages or unreasonably disturbs the land, wildlife, or vegetative resources.	M/A
19			
20	(i)	In violation of State law established for vehicles used off roads.	\$25.00
21			
22	36 CFR		
23	261.14	<u>DEVELOPED RECREATION SITES</u>	
24		The following are prohibited:	
25	(a)	Occupying any portion of the site for other than recreation purposes.	\$25.00
26	(b)	Building, attending, maintaining or using a fire outside of a fire ring provided by the Forest Service for such purpose or outside of a stove, grill or fireplace.	\$25.00
27			
28			

1	(c)	Cleaning or washing any personal property, fish, animal, or good, or bathing or washing at a hydrant or water faucet not provided for that purpose.	\$25.00
2			
3	(d)	Discharging or igniting a firecracker, rocket or other firework, or explosive.	\$25.00
4			
5	(e)	Occupying between 10 p.m. and 6 a.m. a place designated for day use only.	\$25.00
6			
7	(f)	Failing to remove all camping equipment or personal property when vacating the area or site.	\$25.00
8			
9	(g)	Placing, maintaining, or using camping equipment except in a place specifically designated or provided for such equipment.	\$25.00
10			
11	(h)	Without permission, failing to have at least one person occupy a camping area during the first night after camping equipment has been set up.	\$25.00
12			
13	(i)	Leaving camping equipment unattended for more than 24 hours without permission.	\$25.00
14			
15	(j)	Bringing in or possessing an animal, other than a seeing eye dog, unless it is crated, caged, or upon a leash not longer than six feet, or otherwise under physical restrictive control.	\$15.00
16			
17			
18	(k)	Bringing in or possessing in a swimming area an animal, other than a seeing eye dog.	\$15.00
19			
20	(l)	Bringing in or possessing a saddle, pack or draft animal except as authorized by posted instructions.	\$25.00
21			
22	(m)	Operating or parking a motor vehicle or trailer except in place developed or designated for this purpose.	\$25.00
23			
24	(n)	Operating a bicycle, motorbike or motorcycle on a trail unless designated for this use.	\$25.00
25			
26	(o)	Operating a motorboke, motorcycle, or other motor vehicle for any purpose other than entering or leaving the site.	\$15.00
27			
28			

1		(p) Distributing any handbill, circular, paper, or notice without a permit.	\$25.00
2		(q) Depositing any body waste except into receptacles provided for that purpose.	\$25.00
3			
4	36 CFR		
5	261.15	<u>ADMISSION, RECREATION USE AND SPECIAL RECREATION PERMIT FEES</u>	
6		Failing to pay any fee established for admission or entrance to or use of a site, facility, equipment or service furnished by the United States is prohibited. The maximum fine shall not exceed \$100 (Sec. 2, 78 Stat. 897, as amended: 16 U.S.C. 4601-6(e)).	\$15.00
7			
8			
9	36 CFR		
10	261.16	<u>NATIONAL FOREST WILDERNESS</u>	
11		The following are prohibited in a National Forest Wilderness:	
12		(a) Possessing or using a motor vehicle, motorboat, or motorized equipment.	\$50.00
13		(b) Possessing or using a hang glider or bicycle.	\$25.00
14		(c) Landing of aircraft or dropping or picking up of any material, supplies, or person by means of aircraft, including a helicopter.	\$50.00
15			
16			
17			
18	36 CFR		
19	261.19	<u>NATIONAL FOREST PRIMITIVE AREAS</u>	M/A
20	36 CFR		
21	261.20	<u>UNAUTHORIZED USED OF "SMOKEY BEAR" AND "WOODSY OWL" SYMBOL</u>	M/A
22	36 CFR		
23	261.21	<u>WILD FREE-ROAMING HORSES AND BURROS</u>	
24		The following are prohibited:	
25		(a) Removing or attempting to remove a wild free-roaming horse or burro from the National Forest System unless authorized by law or regulation.	M/A
26		(b) Causing or allowing the inhumane treatment or harrassment of a wild free-roaming horse or burro.	M/A
27			
28			

1 (c) Removing or attempting to remove, alter
2 or destroy any official mark used to
3 identify a wild horse or burro or its
remains unless authorized or permitted
by law or regulation.

M/A

4 (d) Violating any terms or conditions speci-
5 fied in a care and maintenance agreement
or permit.

M/A

6 WHEN PROVIDED BY AN ORDER, THE FOLLOWING ARE PROHIBITED:

7 36 CFR
261.52 FIRE

8 (a) Building, maintaining, attending or
9 using, a fire, campfire, or stove fire.

\$30.00

10 (b) Using an explosive.

M/A

11 (c) Smoking.

\$20.00

12 (d) Smoking, except within an enclosed ve-
13 hicle or building, a developed recrea-
14 tion site, or while stopped in an area
at least three feet in diameter that is
barren or cleared of all flammable ma-
terial.

\$20.00

15 (e) Going into or being upon an area.

\$25.00

16 (f) Possessing, discharging or using any
17 kind of firework or other pyrotechnic
device.

\$30.00

18 (g) Entering an area without any firefight-
19 ing tool prescribed by the order.

\$25.00

20 (h) Operating an internal combustion engine
except on a road.

\$25.00

21 (i) Welding, or operating acetylene or other
22 torch with open flame.

\$25.00

23 (j) Operating or using any internal or ex-
24 ternal combustion engine without a spark
arresting device properly installed,
25 maintained and in effective working
order meeting either:

26 (1) Department of Agriculture,
27 Forest Service Standard 4100-
28 la; or

- 1 (2) appropriate Society of Automot-
2 tive Engineers (SAE) recom-
3 mended practice J335(b) and
4 J350(a). \$30.00
5 (k) Violating any state law specified in the
6 order concerning burning fires or which
7 is for the purpose of preventing or re-
8 stricting the spread of fires. \$25.00

36 CFR
261.53

SPECIAL CLOSURES

When provided in an order, it is prohibited to go into or be upon any area which is closed for the protection of:

- 9 (a) Threatened, endangered, rare, unique, or
10 vanishing species of plants, animals,
11 birds or fish. \$25.00
12 (b) Special biological communities. \$25.00
13 (c) Objects or areas of historical, archeo-
14 logical, geological, or paleontological
15 interest. \$25.00
16 (d) Scientific experiments or investiga-
17 tions. \$25.00
18 (e) Public health or safety. \$25.00
19 (f) Property. \$25.00

36 CFR
261.54

FOREST DEVELOPMENT ROADS

- 20 (a) Using any type of vehicle prohibited by
21 the order. \$25.00
22 (b) Use by any type of traffic prohibited by
23 the order. \$25.00
24 (c) Using a road for commercial hauling
25 without a permit or written authoriza-
26 tion. \$25.00
27 (d) Operating a vehicle in violation of the
28 speed, load, weight, height, length,
width, or other limitations specified by
the order. \$25.00
(e) Being on the road. \$25.00

1	(f)	Operating a vehicle carelessly, reck-	
2		lessly, or without regard for the rights	
3		or safety of other persons or in a man-	
		ner or at a speed that would endanger or	
		be likely to endanger any person or pro-	
		perty.	M/A
4	36 CFR		
5	261.55	<u>FOREST DEVELOPMENT TRAILS</u>	
6	(a)	Being on the trail.	\$25.00
7	(b)	Using a bicycle or motorized vehicle.	\$25.00
8	(c)	Possessing or using a saddle, pack or	
		draft animal.	\$25.00
9	(d)	Shortcutting a switchback.	\$15.00
10	36 CFR		
11	261.56	<u>USE OF VHCLES OFF FOREST DEVELOPMENT ROADS</u>	\$25.00
12	36 CFR		
	261.57	<u>NATIONAL FOREST WILDERNESS</u>	
13	(a)	Entering or being in the area.	\$25.00
14	(b)	Possessing camping or pack-out fitting	
15		equipment, as specified in the order.	\$25.00
16	(c)	Possessing a firearm or firework.	\$25.00
17	(d)	Possessing any non-burnable food or bev-	
18		erage containers, including deposit bot-	
		tles, except for non-burnable containers	
		designed and intended for repeated use.	\$25.00
19	(e)	Grazing.	M/A
20	(f)	Storing equipment, personal property or	
21		supplies.	\$25.00
22	(g)	Disposing of debris, garbage, or other	
		waste.	\$25.00
23	(h)	Possessing or using a bicycle, wagon,	
24		cart, or other vehicle.	\$25.00
25	36 CFR		
	261.58	<u>OCCUPANCY AND USE</u>	
26	(a)	Camping for a period longer than allowed	
27		by the order.	\$25.00
28			

1	(b) Entering or using a developed recreation site or portion thereof.	\$25.00
2	(c) Entering or remaining in a campground during the night periods prescribed in the order except for persons who are occupying such campgrounds.	\$25.00
3	(d) Occupying a developed recreation site with prohibited camping equipment prescribed by the order.	\$25.00
4	(e) Camping.	\$25.00
5	(f) Using a campsite or other area described in the order by more than the number of users allowed by the order.	\$25.00
6	(g) Parking or leaving a vehicle in violation of posted instructions.	\$15.00
7	(h) Parking or leaving a vehicle outside a parking space assigned to one's own camp unit.	\$15.00
8	(i) Possessing, parking or leaving more than two vehicles, except motorcycles or bicycles, per camp unit.	\$15.00
9	(j) Being publicly nude.	M/A
10	(k) Entering or being in a body of water.	\$15.00
11	(l) Being in the area after sundown or before sunrise.	\$25.00
12	(m) Discharging a firearm, air rifle, or gas gun.	\$25.00
13	(n) Possessing or operating a motorboat.	\$25.00
14	(o) Waterskiing.	\$25.00
15	(p) Storing or leaving a boat or raft.	\$25.00
16	(q) Operating any watercraft in excess of a posted speed limit.	\$25.00
17	(r) Launching a boat except at a designated launching ramp.	\$25.00
18	(s) Possessing or transporting any bird or animal.	\$25.00
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1	(t)	Possessing or transporting any part of a tree or plant.	\$25.00
2	(u)	Being in the area between 10 p.m. and 6 a.m. except a person who is camping or who is visiting a person camping in that area.	\$25.00
3	(v)	Hunting or fishing.	\$25.00
4	(w)	Possessing or transporting any motor or mechanical device capable of propelling a watercraft through water by any means.	\$25.00
5	(x)	Using a wheel, roller, or other mechanical device for the overland transportation of any watercraft.	\$50.00
6	(y)	Landing of aircraft, or dropping or picking up any material, supplies, or person by means of an aircraft, including a helicopter.	M/A
7	(z)	Riding, hitching, tethering or hobbling a horse or other saddle or pack animal in violation of posted instructions.	\$25.00
8	(aa)	Possession of beverage which is defined as an alcoholic beverage by State law.	\$25.00

36 CFR

261.70 ISSUANCE OF REGULATIONS

WHEN PROVIDED BY A REGULATION, ACTS OR OMISSIONS ARE PROHIBITED FOR THE FOLLOWING PURPOSES:

19	(a)	Fire prevention or control.	M/A
20	(b)	Disease prevention or control.	M/A
21	(c)	Protection of property, roads or trails.	M/A
22	(d)	Protection of threatened, endangered, rare, unique or vanishing species of plants, animals, birds or fish, or special biological communities.	M/A
23	(e)	Protection of objects or places of historical, archaeological, geological or paleontological interest.	M/A
24	(f)	Protection of scientific experiments or investigations.	M/A
25	(g)	Public safety.	M/A

1 (h) Protection of health.

M/A

2 (i) Establishing reasonable rules of public
3 conduct.

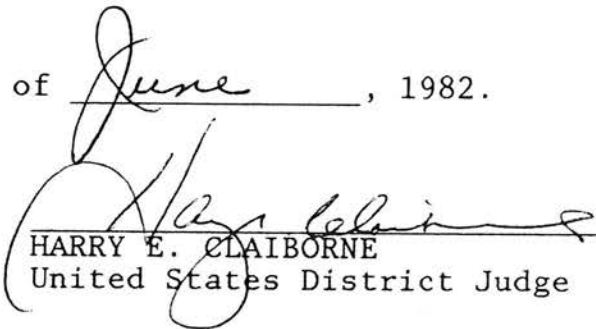
M/A

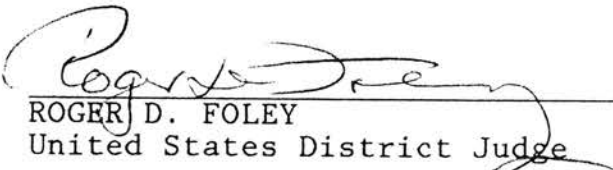
4 Nothing contained in this Order shall prohibit a law
5 enforcement officer from arresting a person for the commission
6 of any offense, including, if the circumstances warrant, those
7 offenses for which collateral may be imposed and forfeited, and
8 taking such arrested person or persons before the United States
9 Magistrate.

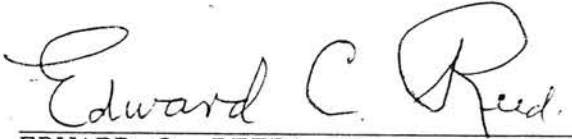
10 If a person charged with an offense fails to post and
11 forfeit collateral (as above provided and authorized), any pun-
12 ishment, including fine, imprisonment, probation, may be imposed
13 within the limits established by law upon conviction by plea or
14 after trial.

15 This Special Order supersedes all previous orders rela-
16 tive to this matter.

17 DATED this 16th day of June, 1982.

18 
19 HARRY E. CLAIBORNE
20 United States District Judge

21 
22 ROGER D. FOLEY
23 United States District Judge

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25 EDWARD C. REED, JR.
26 United States District Judge
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