

UNITED STATES COURT OF APPEALS

May 4, 2009

FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

SOUTHERN UTE INDIAN TRIBE,

Plaintiff - Appellant,

v.

No. 07-2274
(D.C. No. 1:05-CV-00988-WJ-LAM)

MICHAEL O. LEAVITT, Secretary of
the United States Department of Health
and Human Services; RICHARD H.
CARMONA, Surgeon General of the
United States; CHARLES W.
GRIM, Assistant Surgeon General and
Director of the Indian Health Service;
JAMES L. TOYA, Director, Albuquerque
Area Office of the Indian Health Service;
UNITED STATES INDIAN HEALTH
SERVICE; UNITED STATES PUBLIC
HEALTH SERVICE; UNITED STATES
DEPARTMENT OF HEALTH AND
HUMAN SERVICES,

Defendants - Appellees.

NATIONAL CONGRESS OF
AMERICAN INDIANS,

Amicus Curiae.

JUDGMENT

Before **HENRY**, Chief Judge, **TACHA** and **MURPHY**, Circuit Judges.

This case originated in the District of New Mexico and was argued by counsel.

It is the judgment of the court that the appeal is dismissed.

Entered for the Court,

A handwritten signature in black ink, reading "Elisabeth A. Shumaker". The signature is written in a cursive style with a long horizontal flourish at the end.

ELISABETH A. SHUMAKER, Clerk