

CONSOLIDATED NOS. 06-16345, 06-16618, 06-16664

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CONSEJO DE DESARROLLO ECONOMICO DE MEXICALI, A.C.;
CITIZENS UNITED FOR RESOURCES AND THE ENVIRONMENT,

Plaintiffs - Appellants,

v.

UNITED STATES OF AMERICA; ET AL.,

Defendants - Appellees.

AND CONSOLIDATED ACTIONS

Appeal From United States District Court, District of Nevada
Case No. 2:05-cv-0870-PMP-LRL
Judge Philip M. Pro, Chief United States District Judge

**IMPERIAL IRRIGATION DISTRICT'S JOINDER TO
UNITED STATES MOTION FOR REMAND FOR DISMISSAL OF
COUNTS 5-8 AND FOR VACATUR OF INJUNCTION PENDING
APPEAL DUE TO MOOTNESS**

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UNITED STATES MOTION FOR REMAND FOR DISMISSAL OF
COUNTS 5-8 AND FOR VACATUR OF INJUNCTION PENDING
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Defendant-Intervenor Appellee Imperial Irrigation District ("IID") hereby joins the Motion for Remand for Dismissal of Counts 5-8 and for Vacatur of Injunction Pending Appeal Due to Mootness filed by the United States, on the following bases:

1. The injunction pending appeal should be vacated immediately because of the new federal legislation submitted by the United States specifying that the All-American Canal project is to be built without delay, and because of the facts identified in IID's previous filing regarding the time-sensitive window to do certain critical work (e.g., February 15 deadline in order to not disturb bird nesting season; *see* IID Motion to Lift or Modify Injunction Pending Appeal on All-American Canal Lining Project and supporting declarations filed November 14, 2006).

2. The preferred alternative identified in the Record of Decision cited by Congress in the new law is the parallel canal that is being built (*see* Appellants' Excerpts of Record at 3ER 00593-00614), and not the well field alternative sought by the Complaint, and thus claims 5-8 should be dismissed.

Dated: January 16, 2007

ALLEN MATKINS LECK GAMBLE
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By: _____

MARK J. HATTAM, Attorneys for
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**CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME
LIMITATION, TYPEFACE REQUIREMENTS, AND TYPE STYLE
REQUIREMENTS**

1. This joinder complies with the type-volume limitation of Fed. R. App. P. 32(a)(7)(B), because this joinder contains 376 words, excluding the parts of the joinder exempted by Fed. R. App. P. 32(a)(7)(B)(iii).

2. This joinder complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6), because this joinder has been prepared in a proportionally spaced typeface using Microsoft Word 2000 in Times New Roman 14 point font.



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Dated: January 16, 2007

PROOF OF SERVICE

(Consolidated Case Nos. 06-16345, 06-16618, 06-16664)

I am employed in the county of San Diego, state of California. I am over the age of 18 and not a party to the within action. My business address is 501 West Broadway, 15th Floor, San Diego, California 92101-3541.

On January 16, 2007, I served on interested parties in said action the within:

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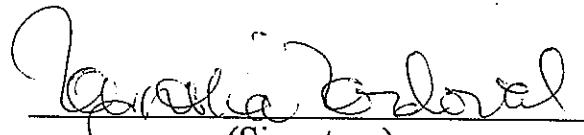
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I declare under penalty of perjury that I am employed in the office of a member of the bar of this court at whose direction the service was made and that the foregoing is true and correct.

Executed on January 16, 2007, at San Diego, California.

Cynthia Sandoval
(Type or print name)


(Signature)