

**FILED**

MAY 17 2010

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY \_\_\_\_\_ DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

William Rouser,	)	Case No. CIV-S-93-0767 LKK GGH P
	)	
Plaintiff,	)	MOTION TO INTERVENE
	)	AS A DEFENDANT UNDER
-vs-	)	F.R.C.P., RULE 24
	)	
Theo White, et. al.,	)	DATE: _____
	)	
Defendant(s),	)	TIME: _____
	)	
-vs-	)	DEPT.: _____
	)	
Members of the Spotted Eagle	)	
Circle, Lancaster State Prison,	)	
	)	
Defendants/Real Parties	)	
of Interest.	)	

1. The Members of the Spotted Eagle Circle, Lancaster State Prison, CSP-Los Angeles County, move for leave to intervene as a Defendant and Real Party of Interest in this action and files the attached Answer.
2. The Plaintiff [Rouser] alleges failure of prison officials to accommodate the practice of his religion and his request for preliminary injunction infringes upon the Constitution rights of the Native American participants and we have a defense to the Plaintiff's claim.
3. Our defense presents questions of law and fact that are common to this action.

Dated: April 30, 2010 .

\_\_\_\_\_  
SPOTTED EAGLE CIRCLE MEMBER

Respectfully submitted,

\_\_\_\_\_  
SPOTTED EAGLE CIRCLE MEMBER



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FOR THE EASTERN DISTRICT OF CALIFORNIA

William Rouser,	)	Case No. CIV-S-93-0767 LKK GGH P
	)	
Plaintiff,	)	INTERVENERS' ANSWER
	)	
-vs-	)	DATE: _____
	)	
Theo White, et. al.,	)	TIME: _____
	)	
Defendants,	)	DEPT. _____
	)	
-vs-	)	
	)	
Members of the Spotted Eagle	)	
Circle, Lancaster State Prison,	)	
	)	
Defendants/Real Parties	)	
of Interest.	)	

I.

RESPONDING TO ALLEGATIONS IN THE COMPLAINT

1. Defendants does not admit to any allegations in the complaint until a copy is obtained.
2. Defendants lacks the knowledge or information sufficient to form a belief about the truth or the allegations lodged in the complaint as they are unrepresented by counsel herein nor have read the Amended Complaint pending before this Honorable Court.
3. Defendants admits Plaintiff is entitled to his freedom of beliefs as federally protected but denies or lacks knowledge or information sufficient to form a belief about the truth of the remainder of the complaint.

II.

FAILURE TO STATE A CLAIM

4. The Defendants allege that the complaint fails to state a claim upon which relief can be granted without infringing upon the Constitutional rights of the Members of the Spotted Eagle Circle.

III.

FAILURE TO JOIN A REQUIRED PARTY

5. None.

IV.

AFFIRMATIVE DEFENSE-STATUTE OF LIMITATIONS

6. Defendants have an affirmative defense which opposes the Court's granting of a preliminary injunction and has filed within the 28 Day statutory requirement under Rule 6.

V.

COUNTER-CLAIM

7. Defendants move for counter-claim pursuant to F.R.C.P., Rule 59(e) for protection of rights for the Members of the Spotted Eagle Circle, Lancaster State Prison, County of Los Angeles, to correct the clear error or manifested injustice.

VI.

CROSS CLAIM

8. Defendants present no cross claim.

Dated: April 30, 2010

Respectfully submitted,

  
SPOTTED EAGLE CIRCLE MEMBER

  
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