1	Mark A. Radoff, SBN 119311 Mark A. Vezzola, SBN 243441 CALIFORNIA INDIAN LEGAL SERVICES 609 S. Escondido Boulevard Escondido, CA 92025 Tel. (760) 746-8941 Fax (760) 746-1815 Attorneys for Intervener	
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5	SPOTTED EAGLE CIRCLE	
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8	IN THE UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
10	SACRAMENTO DIVISION	
11	WILLIAM ROUSER,	No.: CIV S-93-0767 LKK GGH P
12	Plaintiff,	
13	vs.	INTERVENER'S STATEMENT OF NON OPPOSITION TO JOINT SETTLEMENT
14	THEO WHITE, et al.,	AGREEMENT AND JOINT NOTICE AND MOTION FOR ORDER APPROVING
15	Defendants.	SETTLEMENT AND TRANSFERRING VENUE AND REQUEST TO APPEAR
16	S S S S S S S S S S S S S S S S S S S	TELEPHONICALLY
17	vs.	
18 19	SPOTTED EAGLE CIRCLE, a group of Native American Prisoners at Lancaster State Prison,	Date: October 24, 2011 Time: 10:00 a.m.
20		Courtroom: 4 Judge: Hon. Lawrence K. Karlton
21	Intervener.	
22	TO THE CLERK OF THE COURT AND ATTORNEYS OF RECORD FOR PLAINTIFF WILLIAM ROUSER AND DEFENDANTS:	
23		
24	The SPOTTED EAGLE CIRCLE, by and through their counsel of record, has reviewed	
25	the Joint Settlement Agreement (hereinafter "Agreement") and Joint Notice and Motion for	
26	Order Approving Settlement and Transferring Venue, both filed with this court on September 23,	
	INTERVENER'S STATEMENT OF NON OPPOSITION TO JOINT SETTLEMENT AGREEMENT AND JOINT NOTICE AND MOTION FOR ORDER APPROVING SETTLEMENT AND TRANSFERRING VENUE AND REQUEST TO APPEAR TELEPHONICALLY	

2011, the former having been signed by Plaintiff, WILLIAM ROUSER, and Defendants, Secretary of Department of Corrections MATTHEW CATE, Director of Adult Institutions TERRI MCDONALD, and Warden BRENDA CASH, Intervener, SPOTTED EAGLE CIRCLE (hereinafter "CIRCLE"), while not a signatory of the Joint Settlement Agreement, has no opposition to the form or content of the Joint Settlement Agreement or Joint Notice and Motion for Order Approving Settlement and Transferring Venue.

Intervener's Statement of Non-Opposition is conditioned upon the understanding that the terms of the Agreement in no way infringes on or entitle Plaintiff access to the outdoor space at Lancaster Prison used by the CIRCLE for sweat lodge and other Native American religious ceremonies. The CIRCLE wishes to preserve its rights to the outdoor space made available to it for religious ceremonies while making this understanding part of the official record of this matter. While the Joint Settlement Agreement does not explicitly name the outdoor space at Lancaster Prison used by the CIRCLE for religious ceremonies, Intervener did not wish to delay settlement of this protracted litigation by insisting on amending the language of the Agreement.

Finally, in order to preserve its rights and make the record complete for all parties, counsel for Intervener respectfully requests permission to appear telephonically at the hearing set for October 24, 2011.

DATED: October 14, 2011

/s/ Mark A. Vezzola

Mark A. Radoff (SBN 119311) Mark A. Vezzola (SBN 243441) Attorneys for Spotted Eagle Circle Intervener

INTERVENER'S STATEMENT OF NON OPPOSITION TO JOINT SETTLEMENT AGREEMENT AND JOINT NOTICE AND MOTION FOR ORDER APPROVING SETTLEMENT AND TRANSFERRING VENUE AND REQUEST TO APPEAR TELEPHONICALLY