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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CLIVEN BUNDY,

Defendant.

Case No. 2:12-cv-0804-LDG-GWF

ORDER

On April 16, 2014, Michael Joseph Kearns filed a self-styled "Emergency Intervention of Necessity to Protect the Land and People of the United States." (#42) The Ninth Circuit requires an applicant for intervention as of right under Fed. R. Civ. P. 24(a)(2) to demonstrate that

(1) it has a significant protectable interest relating to the property or transaction that is the subject of the action, (2) the disposition of the action may, as a practical matter, impair or impede the applicant's ability to protect its interest, (3) the application is timely, and (4) the existing parties may not adequately represent the applicant's interests.

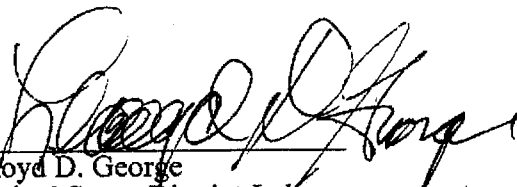
Chamness v. Bowen, 722 F.3d 1110, 1121 (9th Cir. 2013).

Applicant Kearns has failed to meet these requirements. Defendant Bundy filed an appeal on August 9, 2013 (#37) from the order and judgment of this court entered on July 9, 2013 (#35 and #36). An appeal to the Ninth Circuit divests this court of jurisdiction over a motion to intervene, see Assoc. General Contractors of California v. Secretary of Commerce, 77 F.R.D. 31, 35 (C.D. Cal. 1977), and the Ninth Circuit has dismissed Bundy's notice of appeal (#41). Kearns' filing, therefore, is not only untimely, but the court has no jurisdiction to grant it.

1 Even if the court had jurisdiction, Kearns' filing demonstrates no protectable interest that
2 is the subject of this litigation, the disposition of which may impede or impair Kearns' asserted
3 interest. Kearns claims a right as one of the free sovereign and independent people of the United
4 States to represent the interests of the United States and remove this case to the Supreme Court for
5 independent action. No such status or right exists.

6 THE COURT HEREBY ORDERS that Kearns' "Emergency Intervention of Necessity to
7 Protect the Land and People of the United States" (#42) is DENIED.

8 DATED this 22 day of April, 2014.


Lloyd D. George
United States District Judge

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Order Plus Utilities

2:12-cv-00804-LDG-GWF United States of America v. Bundy **CASE CLOSED on 07/09/2013**

CLOSED

United States District Court**District of Nevada****Notice of Electronic Filing**

The following transaction was entered on 4/22/2014 at 6:24 PM PDT and filed on 4/22/2014

Case Name: United States of America v. Bundy

Case Number: 2:12-cv-00804-LDG-GWF

Filer:

WARNING: CASE CLOSED on 07/09/2013

Document Number: 43

Docket Text:

ORDER Denying [42] Kearns' Notice of Emergency Intervention of Necessity to Protect the Land and People of the United States. Signed by Judge Lloyd D. George on 04/22/2014. (Copies have been distributed pursuant to the NEF - CC: Michael Kearns - AC)

2:12-cv-00804-LDG-GWF Notice has been electronically mailed to:

Nadia Janjua Ahmed nadia.ahmed@usdoj.gov, eileen.alexander@usdoj.gov, eunice.jones@usdoj.gov, sue.knight@usdoj.gov

Terry M. Petrie terry.petrie@usdoj.gov, efile_nrs.enrd@usdoj.gov, susan.middagh@usdoj.gov

Stephen R-Terrell Stephen.Terrell@usdoj.gov

2:12-cv-00804-LDG-GWF Notice has been delivered by other means to:

Cliven Bundy
3315 Gold Butte Road
Bunkerville, NV 89007

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1101333072 [Date=4/22/2014] [FileNumber=6628670-0