

## CALIFORNIA ET AL. v. UNITED STATES ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR  
THE NINTH CIRCUIT

No. 87-1165. Argued November 28, 1988—Decided June 12, 1989

830 F. 2d 139, affirmed by an equally divided Court.

*Jerome C. Muys* argued the cause for petitioners. With him on the briefs were *Warren J. Abbott*, *Fred Vendig*, *Karen L. Tachiki*, *James F. Roberts*, *Justin McCarthy*, *John K. Van de Kamp*, Attorney General of California, *R. H. Connett* and *N. Gregory Taylor*, Assistant Attorneys General, and *Douglas B. Noble*, Deputy Attorney General, *Robert K. Corbin*, Attorney General of Arizona, and *Anthony B. Ching*, Solicitor General.

*Edwin S. Kneedler* argued the cause for the United States. With him on the brief were *Solicitor General Fried*, *Assistant Attorney General Marzulla*, *Deputy Solicitor General Wallace*, *Edward J. Shawaker*, and *Sarah P. Robinson*. *Dale T. White* argued the cause for the tribal respondents. With him on the brief were *William E. Strickland* and *Scott B. McElroy*.\*

## PER CURIAM.

The judgment below is affirmed by an equally divided Court.

JUSTICE MARSHALL took no part in the consideration or decision of this case.

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\**Richard Dauphinais* filed a brief for the Klamath Tribe et al. as *amici curiae* urging affirmance.