

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

FEB 23 2012

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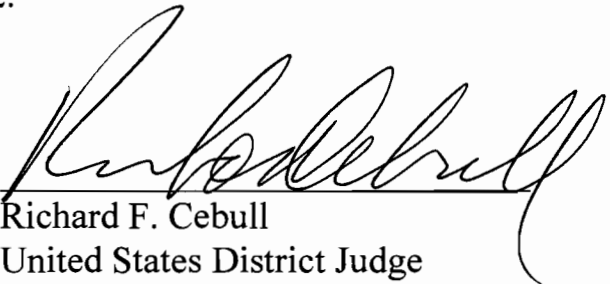
IN RE THE BUSINESS OF THE)
CUSTER BATTLEFIELD)
MUSEUM AND STORE)
LOCATED AT INTERSTATE 90,)
EXIT 514, SOUTH OF BILLINGS,)
MONTANA,)
_____)

Cause Nos. MJ 05-22-BLG-RFC
MJ 08-43-BLG-RFC

The United States has moved the Court to lift the seal in these cases. *Doc.* 62, MJ-05-22; *doc.* 32, MJ-08-43. Although Christopher Kortlander and the Custer Battlefield Museum strenuously argued to this Court and the Ninth Circuit Court of Appeals that the public should have open access to these cases, *see United States v. The Business of the Custer Battlefield Museum and Store*, 658 F.3d 1188 (9th Cir. 2011), the Government noted that Counsel for Kortlander needed to consult with his client before he could state whether there was objection to the unsealing of the record. The Court later independently confirmed that Kortlander objected to the Government's motion. The time for filing a brief in opposition to the Government's motion, however, has passed with no response from Kortlander or the Custer Battlefield Museum. Under this Court's Local Rules of Procedure, failure to file a brief in opposition can be deemed an admission that the motion is well-taken. L.R. 7.1(d)(1)(B).

Accordingly, **IT IS HEREBY ORDERED** that these Cases and the Applications and Affidavits for Search Warrants, Search Warrants, and other pleadings are unsealed.

Dated this 23rd day of February, 2012.


Richard F. Cebull
United States District Judge