

JAMES R. GREINER, ESQ.
CALIFORNIA STATE BAR NUMBER 123357
LAW OFFICES OF JAMES R. GREINER
1024 IRON POINT ROAD
FOLSOM, CALIFORNIA 95630
TELEPHONE: (916) 357-6701
FAX: (916) 920-7951
E mail: jaygreiner@midtown.net

ATTORNEY FOR DEFENDANT
REGINA CUELLAR, individually

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

EFRIM RENTERIA, TALISHA RENTERIA

v.

REGINA CUELLAR, individually, et al.

DEFENDANTS.

) Case No.: 2:16-cv-1685- MCE-AC

)
) **SPECIAL APPEARANCE**

) NOTICE OF MOTION FOR
) DISMISSAL OF THE CASE IN
) ITS ENTIRETY BASED
) ON LACK OF SUBJECT
) MATTER JURISDICTION
) BASED ON LACK OF A LIVE
) CASE OR CONTROVERSEY,
) MOOTNESS, THUS LACK OF
) STANDING

) LOCAL RULE 230

) DATE: December 1, 2016

) TIME: 2:00 p.m.

) COURTROOM: 7, 14TH FLOOR

) JUDGE: HONORABLE

) MORRISON C. ENGLAND, JR.

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD

1 Please take notice that on December 1, 2016, at 2:00 p.m., or as soon
2 thereafter as the matter may be heard, in the courtroom of the Honorable Morrison C.
3 England, Jr., United States District Judge for the Eastern District of California,
4 Department 7, 14th Floor, located at 501 I Street, Sacramento, California 95814,
5 individual Defendant Regina Cuellar will and hereby does move this Court to dismiss
6 the case in its entirety, including but not limited to the First Amended Complaint, based
7 on there being no live case or controversy, thus, this Court lacks subject matter
8 jurisdiction and the case is moot and the Plaintiffs have no standing to bring this action.
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11 This Motion is based upon this Notice, the pleadings on file in this case,
12 any other pleadings filed regarding this motion and any and all oral argument and any
13 and all evidence admitted in the hearing of this motion.
14

15 DATED: November 3, 2016

16 Respectfully submitted
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20 /s/ JAMES R.GREINER

21
22 LAW OFFICES OF JAMES R. GREINER
23 ATTORNEY FOR INDIVIDUAL DEFENDANT
24 REGINA CUELLAR
25
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JAMES R. GREINER, ESQ.
CALIFORNIA STATE BAR NUMBER 123357
LAW OFFICES OF JAMES R. GREINER
1024 IRON POINT ROAD
FOLSOM, CALIFORNIA 95630
TELEPHONE: (916) 224-3597
FAX: (916) 357-6501
E mail: jaygreiner@midtown.net

ATTORNEY FOR DEFENDANT
REGINA CUELLAR, individually

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

EFRIM RENTERIA, TALISHA RENTERIA

v.

REGINA CUELLAR, individually as party
in interest seeking guardianship of the
minors, et al.,

DEFENDANTS.

) Case No.: 2:16-cv-1685- MCE-AC

) **SPECIAL APPEARANCE**

) NOTICE OF MOTION AND
) MOTION WITH MEMORANDUM
) OF LAW TO DISMISS THE
) CASE IN ITS ENTIRETY
) BASED ON LACK OF
) SUBJECT MATTER
) JURISDICTION BASED ON LACK
) OF LIVE CASE OR
) CONTROVERSEY, MOOTNESS
) THUS LACK OF STANDING

) LOCAL RULE 230

) DATE: December 1, 2016
) TIME: 2:00 p.m.
) COURTROOM: 7, 14TH FLOOR
) JUDGE: HONORABLE
) MORRISON C. ENGLAND, JR.

MEMORANDUM OF POINTS AND AUTHORITIES

FACTS

Plaintiffs' voluntarily filed their First Amended complaint on July 21, 2016 (See Document # 3). Plaintiffs' First Amended Complaint was for Declaratory and Injunctive Relief. The sole factual basis for the First Amended Complaint – for the entire case - whether legally correct or not, was: that the case or controversy regarding Guardianship of the three Tribal minors, should not be in the Tribal Court of the Shingle Springs Band of Miwok Indians. (See Document # 3, page 1-2, lines 26-28 and 1-5).

On November 3, 2016, Individual Defendant Regina Cuellar, filed with the Shingle Springs Band of Miwok Indians Tribal Court an Ex Parte Request to Transfer the case back to the Superior Court of Tulare County, requested that the Tribal Court case, 2016-1, be dismissed **with prejudice**, and the Tribal Court case be closed. (See Exhibit A attached hereto and incorporated in full by this reference). This Ex Parte request was without objection or opposition by Plaintiffs.

ISSUE

For the District Court to retain Article III subject matter jurisdiction over a pending case, must at any time the Court makes a decision in a case, must there always be a live case or controversy present. Another way to address the issue: Must a live case or controversy always be present for the District Court to retain Article III subject matter jurisdiction.

The rule of law from both the United States Supreme Court and the Ninth Circuit is yes.

LEGAL ARGUMENT

**FEDERAL COURTS ARE COURTS OF
LIMITED JURISDICTION**

The Ninth Circuit Court of Appeal, as late as August 18, 2016, in *Polo v. Innoventions International, LLC*, -- F.3d -- 2016 WL 4394586, reiterated: "It is axiomatic that federal courts are courts of limited jurisdiction. *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377, 114 S.Ct. 1673, 128 L.Ed.2d 391 (1994). We are limited, by Congress and by the Constitution, in the subject matter of cases we may adjudicate. *Id.*"

In considering the jurisdiction questions, it should be remembered that "[i]t is a fundamental principle that federal courts are courts of limited jurisdiction." *Owen Equip. & Erection Co. V. Kroger*, 437 U.S. 365, 374, 98 S.Ct. 2396, 2403, 57 L.Ed.2d 274 (1978). A federal court is presumed to lack jurisdiction in a particular case unless the contrary affirmatively appears. *California ex rel Younger v. Andrus*, 608 F.2d 1247, 1249 (9th Cir. 1979). *Stock West Inc., v. Confederated Tribes of the Coville Reservation*, 873 F.2d 1221, 1225 (9th Cir. 1989)

Federal courts are courts of limited jurisdiction. They possess only that power authorized by Constitution and statute, see *Willy v. Coastal Corp.*, 503 U.S. 131, 136-137, 112 S.Ct. 1076, 1080, 117 L.Ed.2d 280 (1992); *Bender v. Williamsport Area School Dist.*, 475 U.S. 534, 541, 106 S.Ct. 1326, 1331, 89 L.Ed.2d 501 (1986), which is not to be expanded by judicial decree, *American Fire & Casualty Co. V. Finn*, 341 U.S. 6, 71 S.Ct. 534, 95 L.Ed. 702 (1951). It is to be presumed that a cause lies outside this limited jurisdiction, *Turner v. Bank of North America*, 4 U.S. (4Dall.) 8, 11, 1 L.Ed.718 (1799), and the burden of establishing the contrary rests upon the party

1 asserting jurisdiction, *McNutt v. General Motors Acceptance Corp.*, 298 U.S. 178, 182-
2 183, 56 S.Ct. 780, 782, 80 L.Ed. 1135 (1936). *Kokkonen v. Guardian Life Lins. Co. Of*
3 *America*, 511 U.S. 375, 377, 114 S.Ct. 1673, 128 L.Ed.2d 391 (1994)

4
5 The Ninth Circuit in *FTC v. H.N. Singer, Inc.*, 668 F.2d 1107, 1109 (9th Cir.
6 1982) stated that a party seeking injunctive relief in federal court must first establish the
7 court's subject matter jurisdiction.

8 **CASE AND CONTROVERSEY REQUIRED AT ALL TIMES**

9
10 The United States Supreme Court in *Summers v. Earth Island Institute*, 555 U.S.
11 488, 493, 129 S.Ct. 1142, 1149, 172 L.Ed 2d 1 (2009) stated: "To seek injunctive relief,
12 a plaintiff must show that he is under threat of suffering "injury in fact" that is concrete and
13 particularized; the threat must be actual and imminent, not conjectural or hypothetical; it
14 must be fairly traceable to the challenged action of the defendant; and it must be likely
15 that a favorable judicial decision will prevent or redress the injury."

16
17 The United States Supreme Court in *Lujan v. Defenders of Wildlife*, 555 U.S. 488,
18 493, 112 S.Ct. 2130, 2136, 119 L.Ed.2d 351 (1992) stated: "Over the years, our cases
19 have established that the irreducible constitutional minimum of standing contains three
20 elements. First, the plaintiff must have suffered an "injury in fact"—an invasion of a legally
21 protected interest which is (a) concrete and particularized,(Citations omitted) and (b)
22 "actual or imminent, not 'conjectural' or 'hypothetical,' " (Citations omitted) Second, there
23 must be a causal connection between the injury and the conduct complained of—the
24 injury has to be "fairly ... trace[able] to the challenged action of the defendant, and not ...
25 th[e] result [of] the independent action of some third party not before the court." (Citation
26
27
28

1 omitted) The party invoking federal jurisdiction bears the burden of establishing these
2 elements” (Citations omitted)

3 The United States Supreme Court in *Burke v. Barnes*, 479 U.S. 361, 363, 107
4 S.Ct. 734, 93 L.Ed.2d 732 (1987) stated: “Article III of the Constitution requires that there
5 be a live case or controversy at the time that a federal court decides the case; it is not
6 enough that there may have been a live case or controversy when the case was decided
7 by the court whose judgment we are reviewing” (Citations omitted)

8 The Ninth Circuit in *Halvonik v. Reagan*, 457 F.2d 311, 313 (9th Cir. 1972) stated:
9 “Where the allegedly unlawful conduct has terminated, the party seeking a determination
10 on the merits must establish that the case nevertheless has not been rendered moot; that
11 controversy and adversity between the parties nevertheless continues. To do so he must
12 show the likelihood of a recurrence of the conduct—in this case....”. (Citations omitted)

13 Finally, the Ninth Circuit in *Doe v. Madison School Dist. No. 321*, 177 F.3d 789,
14 797-798 (9th Cir. 1999) stated: “We next consider whether this controversy remains live
15 for any other reason. Article III limits our jurisdiction to “cases or controversies.” (Citation
16 omitted) (“The jurisdiction of federal courts depends on the existence of a ‘case or
17 controversy’ under Article III of the Constitution.”) (citation and internal quotation marks
18 omitted) However, a party must maintain a live controversy through all stages of the
19 litigation process. (Citation omitted) (“To qualify for adjudication in federal court, an actual
20 controversy must be extant at all stages of review, not merely at the time the complaint is
21 filed.”) (citation and internal quotation marks omitted). If an action or a claim loses its
22 character as a live controversy, then the action or claim becomes “moot,” and we lack
23 jurisdiction to resolve the underlying dispute. (Citation omitted) (“Generally, an action is

1 moot when the issues presented are no longer ‘live’ or the parties lack a legally cognizable
2 interest in the outcome.”) (citation and internal quotation marks omitted) (Citation omitted)
3 (“A case, or an issue in a case, is considered moot if it has lost its character as a present,
4 live controversy of the kind that must exist if we are to avoid advisory opinions on abstract
5 propositions of law.”) (citations and internal quotation marks omitted).”
6

7 Thus, by the un-objected to and un-opposed Request to Transfer the case in
8 Tribal Court, case number 2016-1, to the Tulare County Superior Court and to have the
9 case in Tribal Court dismissed **with prejudice**, there is now no live case or controversy
10 pending before this Court. Therefore, this Court lacks Article III subject matter jurisdiction
11 due to the lack of a live case or controversy (the case in the Tribal Court has been
12 transferred to the Superior Court in Tulare County and the Tribal Court case has been
13 dismissed with prejudice), which makes this case moot and Plaintiffs’ lack standing to
14 continue with this case.
15
16

17 **DISMISSAL WITH PREJUDICE, THE EFFECT**

18 The Ninth Circuit in *In Re Marino*, 181 F.3d 1142, 1144 (9th Cir. 1999) stated:
19 “We, of course, have no quarrel with the general premise that a dismissal with prejudice
20 has res judicata effect. There can be little doubt that a dismissal with prejudice bars any
21 further action between the parties on the issues subtended by the case. (Citations
22 omitted) As we said in *Concha v. London*, 62 F.3d 1493, 1508 (9th Cir. 1995) ‘[t]he
23 plaintiff is precluded from bringing another action for the same cause’ when “the
24 dismissal of his action with prejudice stands.’ (Citation omitted) Those dismissals have
25 res judicata effect because, it is said, they are on the merits, and “ ‘[u]nder res judicata,
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1 a final judgment on the merits bars further claims by parties or their privies based on the
2 same cause of action.” (Citation omitted)

3 Thus, the case in Tribal Court is over. There is no case or controversy in Tribal
4 Court since it was dismissed with prejudice. Therefore, there is no live case or
5 controversy pending before this Court, since the Tribal Court case no longer exists, can
6 never be re-litigated, and no Tribal Court Orders can be cited to in any Court. The Tribal
7 case no longer exists and the reason for this Federal case no longer exists.
8

9 Plaintiffs face no harm in the present or the future due to the Tribal Court case,
10 that case no longer exists. Plaintiffs face no injury in the present or the future due to the
11 Tribal Court case, that case no longer exists.
12

13 The Court, in any ruling it would make, would be both outside of its Article III
14 jurisdiction, since no live case or controversy is before it, and it would be ruling and
15 issuing Orders in a hypothetical situation, something Federal Courts do not do. The
16 Supreme Court in *Ashwander v. Tennessee Valley Authority*, 297 U.S. 288, 324, 56
17 S.Ct. 466, 80 L.Ed.2d 688 (1936) stated: “The judicial power does not extend to the
18 determination of abstract questions. (Citations omitted) Claims based merely upon
19 ‘assumed potential invasions’ of rights are not enough to warrant judicial
20 intervention. (*Arizona v. California*, 283 U.S. 423, 462, 51 S.Ct. 522, 75 L.Ed. 1154)”
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23 Further, the declaratory judgment procedure cannot be used to obtain
24 advanced rulings on matters that may be addressed in a future case with an actual
25 controversy. The United States Supreme Court in *United Public Workers of America*
26 (*C.I.O.*) *v. Mitchell*, 330 U.S. 75, 89, 67 S.Ct. 556, 91 L.Ed. 754 (1947) stated: “As is
27 well known the federal courts established pursuant to Article III of the Constitution do
28

1 not render advisory opinions. (footnote omitted) For adjudication of constitutional issues
2 'concrete legal issues, presented in actual cases, not abstractions' are requisite.
3 (footnote omitted) This is as true of declaratory judgments as any other field. (Citation
4 omitted)"

6 CONCLUSION

7 There is no live actual case or controversy pending before this Federal Court as
8 required under Article III. Thus, pursuant to the Supreme Court of the United States and
9 the Ninth Circuit Court of Appeal, this Court must dismiss this case in its entirety and
10 make no further orders or rulings.
11

12
13 DATED: November 3, 2016

RESPECTFULLY SUBMITTED
LAW OFFICES OF JAMES R. GREINER

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17 /s/ JAMES R. GREINER

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19 JAMES R. GREINER
20 ATTORNEY FROM INDIVIDUAL
21 DEFENDANT REGINA CUELLAR
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EXHIBIT A

TO MOTION TO DISMISS THE CASE

IN ITS ENTIRETY BASED ON LACK OF

SUBJECT MATTER JURISDICTION

BASED ON LACK OF LIVE CASE OR

CONTROVERSY, MOOTNESS, THUS

LACK OF STANDING

JAMES R. GREINER, ESQ.
CALIFORNIA STATE BAR NUMBER 123357
LAW OFFICES OF JAMES R. GREINER
1024 IRON POINT ROAD
FOLSOM, CALIFORNIA 95630
TELEPHONE: (916) 224-3597
FAX: (916) 357-6501
E mail: jaygreiner@midtown.net

ATTORNEY FOR
REGINA CUELLAR

SHINGLE SPRINGS TRIBAL COURT
FILED
NOV 3 2016
SHINGLE SPRINGS, CALIFORNIA

SHINGLE SPRINGS BAND OF MIWOK INDIANS
TRIBAL COURT

IN THE MATTER OF:

Angelina Porras-Cuellar, Ava Porras-Cuellar
Nevaeh Porras-Cuellar,
MINORS.

Case No. CV-2016-01
EX PARTE APPLICATION AND
REQUEST FOR IMMEDIATE
TRANSFER OF THIS CASE TO
THE SUPERIOR COURT OF
TULARE COUNTY AND TO
IMMEDIATELY DISMISS WITH
PREJUDICE THIS TRIBAL
COURT CASE,
CONTROVERSEY AND
MATTER AND TO CLOSE THIS
TRIBAL COURT CASE;
RESPONDENTS DO NOT
OBJECT OR OPPOSE THIS
EX PARTE REQUEST

REGINA CUELLAR, Petitioner herein, applies, unopposed, Ex Parte to this
Honorable Tribal Court and hereby requests this Honorable Tribal Court to immediately
transfer this entire case, controversy and matter to the Tulare County Superior Court.

1 REGINA CUELLAR, Petitioner herein, hereby requests that if this Honorable Tribal
2 Court does issue an Order immediately transferring this entire case, controversy and
3 matter to the Tulare County Superior Court, and that this Honorable Tribal Court issue a
4 further Order dismissing this entire case, controversy and matter with Prejudice and to
5 issue a further Order to close in its entirety this Tribal Court case, controversy and
6 matter.
7

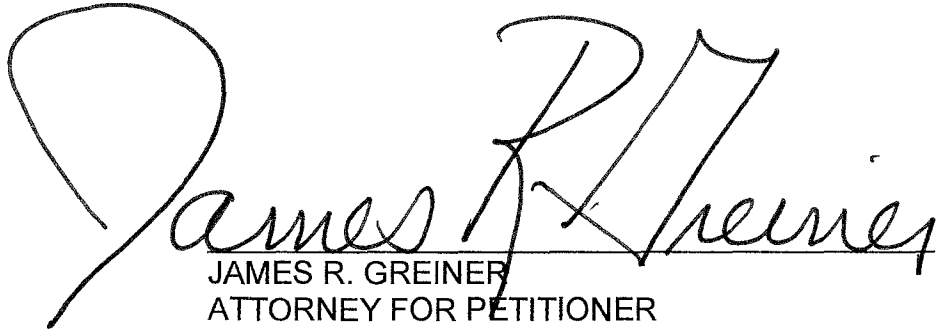
8 The Respondents' attorney, Mr. Charles K. Manock, was advised by e mail on
9 Wednesday, November 3, 2016, of Petitioner's intention of applying to this Honorable
10 Tribal Court Ex Parte for the above stated requests. Respondents' attorney was
11 requested to immediately advise if there were any objections. Respondents' attorney did
12 contact Petitioner's attorney by e mail on Thursday, November 4, 2016 at 7:35 a.m. and
13 9:09 a.m., but never stated any objection to the above stated requests. Thus, this
14 request is without objection by and without opposition from, Respondents and their
15 attorney.
16
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18 Petitioner requests this Court to grant this unopposed Ex Parte Request, which
19 has no objection from Respondents, in full.
20

21 DATED: November 4, 2016

RESPECTFULLY SUBMITTED
LAW OFFICES OF JAMES R. GREINER

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JAMES R. GREINER
ATTORNEY FOR PETITIONER
REGINA CUELLAR

JAMES R. GREINER, ESQ.
CALIFORNIA STATE BAR NUMBER 123357
LAW OFFICES OF JAMES R. GREINER
1024 IRON POINT ROAD
FOLSOM, CALIFORNIA 95630
TELEPHONE: (916) 224-3597
FAX: (916) 357-6501
E mail: jaygreiner@midtown.net

ATTORNEY FOR
REGINA CUELLAR

SHINGLE SPRINGS BAND OF MIWOK INDIANS

TRIBAL COURT

IN THE MATTER OF:)	Case No. CV-2016-01
)	PROOF OF SERVICE OF EX
)	PARTE APPLICATION AND
Angelina Porras-Cuellar, Ava Porras-Cuellar)	REQUEST
Nevaeh Porras-Cuellar,)	
)	
MINORS.)	
)	
)	
)	

**PROOF OF SERVICE
OF EX PARTE APPLICATION AND REQUEST**

I am over the age of 18 years old, and not a party to the within legal lawsuit.
My business address is 1024 Iron Point Road, Folsom, California, 95630.

On November 4, 2016, I caused to be served, either by personal service at the address listed by an agent and/or by depositing with the United States Postal Service on the same day as this declaration, or both as noted, in an envelope, sealed and with postage thereon fully prepaid, placed for collection and mailing on this date in the United States mail in Folsom, California.

On November 4, 2016, I caused to be served, either by personal service or by placing in the United States Mail in a sealed envelope postage pre-paid or both as noted, the following:

**PROOF OF SERVICE
OF EX PARTE APPLICATION AND REQUEST**

On interested party or parties in this action, or who were served by the mass service list of Plaintiffs by placing either the original or a true copy of the documents described herein in a sealed postage pre-paid envelope or by personal service or both as described:

Mr. Charles K. Manock
MANOCK LAW
448 W. Shaw Ave.
Fresno, California 93704

Courtesy Copy Tribal Counsel

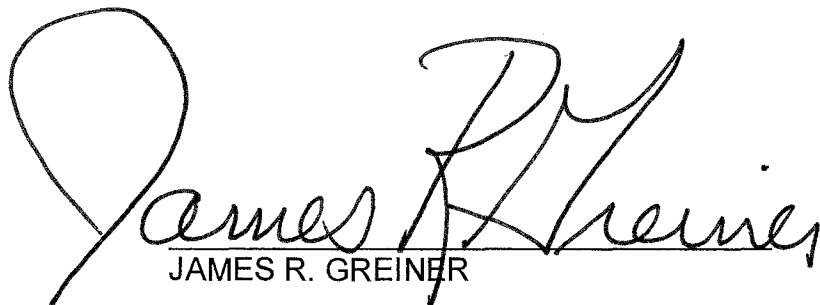
Mr. Joseph J. Wiseman
WISEMAN LAW GROUP, PC
P.O. Box 74034
Davis, California 95617

Mr. N. Scott Castillo
3356 Mather Field Road
Rancho Cordova, Ca 95670

I deposited in the United States mail in an envelope postage pre-paid and/or had personally served on the party listed above at the address listed above or both, and if placed in the United States mail placed for collection and mailing on November 4, 2016 in Folsom, California.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge and belief.

DATED: November 4, 2016


JAMES R. GREINER

NAME: SURNAME: FORENAME:

1 Application and Request to have the Tribal Court immediately transfer this entire case,
2 controversy and matter to the Tulare County Superior Court; that if this Honorable Tribal
3 Court does issue an Order immediately transferring this entire case, controversy and
4 matter to the Tulare County Superior Court, and that this Honorable Tribal Court issue a
5 further Order dismissing this entire case, controversy and matter with Prejudice and to
6 issue a further Order to close in its entirety this Tribal Court case, controversy and
7 matter.
8

9 I asked Mr. Manock if he objected in any way to immediately contact me.


10 Mr. Manock, via his iPhone, sent responses at 7:35 a.m. and 9:09 a.m. to my
11 November 3, 2016, e mail. There was neither an objection raised nor any opposition
12 raised. Mr. Manock did make the comment in the 7:35 a.m. iPhone response: "my
13 position would be no need to transfer...".
14

15 Other than those two communications, I have not received any others from Mr.
16 Manock prior to filing this in the afternoon of Thursday, November 4, 2016.
17

18 I declare under the penalty of perjury under the laws of the State of California,
19 and the laws governing the Shingle Springs Band of Miwok Indians, that the foregoing is
20 true and correct.
21

22 DATED: November 4, 2016

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JAMES R. GREINER

ATTORNEY FOR
REGINA CUELLAR

On November 4, 2016, I caused to be served, either by personal service or by placing in the United States Mail in a sealed envelope postage pre-paid or both as noted, the following:

**PROOF OF SERVICE
OF DECLARATION OF JAMES R. GREINER**

On interested party or parties in this action, or who were served by the mass service list of Plaintiffs by placing either the original or a true copy of the documents described herein in a sealed postage pre-paid envelope or by personal service or both as described:

Mr. Charles K. Manock
MANOCK LAW
448 W. Shaw Ave.
Fresno, California 93704

Courtesy Copy Tribal Counsel

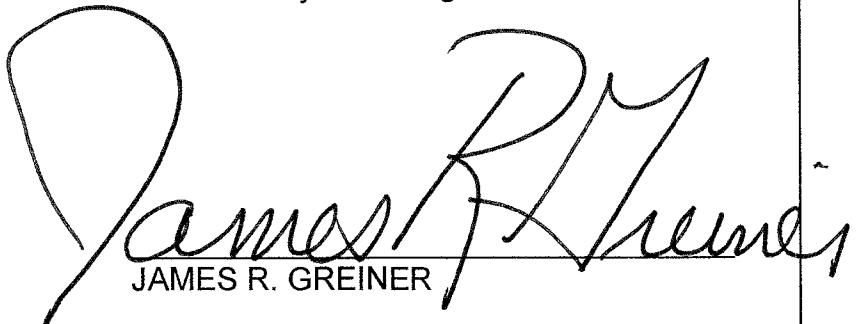
Mr. Joseph J. Wiseman
WISEMAN LAW GROUP, PC
P.O. Box 74034
Davis, California 95617

Mr. N. Scott Castillo
3356 Mather Field Road
Rancho Cordova, Ca 95670

I deposited in the United States mail in an envelope postage pre-paid and/or had personally served on the party listed above at the address listed above or both, and if placed in the United States mail placed for collection and mailing on November 4, 2016 in Folsom, California.

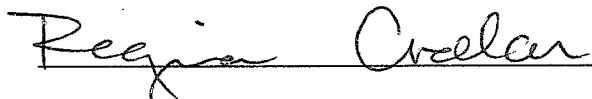
I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge and belief.

DATED: November 4, 2016


JAMES R. GREINER

1 I declare under the penalty of perjury under the laws of the State of California
2 and the laws governing the Shingle Springs Band of Miwok Indians, that the foregoing is
3 true and correct.
4

5
6 DATED: November 4, 2016
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13 REGINA CUELLAR
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On November 4, 2016, I caused to be served, either by personal service at the address listed by an agent and/or by depositing with the United States Postal Service on the same day as this declaration, or both as noted, in an envelope, sealed and with postage thereon fully prepaid, placed for collection and mailing on this date in the United States mail in Folsom, California.

On November 4, 2016, I caused to be served, either by personal service or by placing in the United States Mail in a sealed envelope postage pre-paid or both as noted, the following:

**PROOF OF SERVICE
OF DECLARATION OF REGINA CUELLAR**

On interested party or parties in this action, or who were served by the mass service list of Plaintiffs by placing either the original or a true copy of the documents described herein in a sealed postage pre-paid envelope or by personal service or both as described:

Mr. Charles K. Manock
MANOCK LAW
448 W. Shaw Ave.
Fresno, California 93704

Courtesy Copy Tribal Counsel

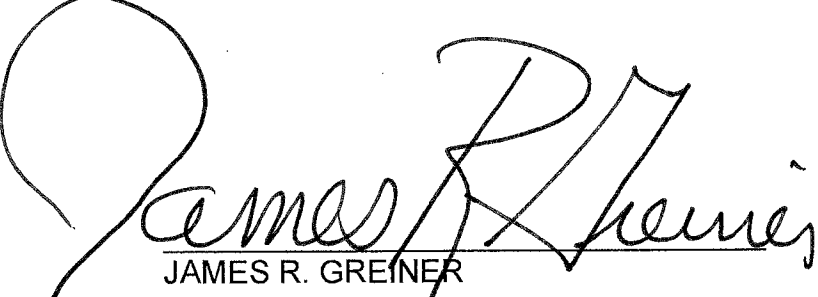
Mr. Joseph J. Wiseman
WISEMAN LAW GROUP, PC
P.O. Box 74034
Davis, California 95617

Mr. N. Scott Castillo
3356 Mather Field Road
Rancho Cordova, Ca 95670

I deposited in the United States mail in an envelope postage pre-paid and/or had personally served on the party listed above at the address listed above or both, and if placed in the United States mail placed for collection and mailing on November 4, 2016 in Folsom, California.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge and belief.

DATED: November 4, 2016


JAMES R. GREINER

JAMES R. GREINER, ESQ.
CALIFORNIA STATE BAR NUMBER 123357
LAW OFFICES OF JAMES R. GREINER
1024 IRON POINT ROAD
FOLSOM, CALIFORNIA 95630
TELEPHONE: (916) 357-6701
FAX: (916) 920-7951
E mail: jaygreiner@midtown.net

ATTORNEY FOR DEFENDANT
REGINA CUELLAR, individually as
party in interest seeking guardianship
of the minors

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

EFRIM RENTERIA, TALISHA RENTERIA)	Case No.: 2:16-cv-1685- MCE-AC
)	
)	CERTIFICATE OF SERVICE
)	
v.)	
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)	
REGINA CUELLAR, individually as party)	
in interest seeking guardianship of the)	
minors, et al.,)	
)	
)	
)	
DEFENDANTS.)	

I hereby certify that, on November 3, 2016, I electronically filed the foregoing document with the Clerk of the Court for the U.S. District Court for the Eastern District of California using the CM/ECF system, which sent notification of such filing to counsel of record in this case. I also certify that I sent an electronic copy of this filing to Charles K. Manock at the e mail address of: cmmanock@manocklaw.com.

1 Dated: November 3, 2016

Respectfully submitted

2
3
4 /s/ JAMES R.GREINER

5
6 LAW OFFICES OF JAMES R. GREINER
7 ATTORNEY FOR INDIVIDUAL DEFENDANT
8 REGINA CUELLAR
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