

BEFORE THE INDIAN CLAIMS COMMISSION

THE SIOUX TRIBE OF INDIANS OF THE)
 ROSEBUD RESERVATION, SOUTH DAKOTA,)
)
 Plaintiff,)
)
 v.) Docket No. 118
)
 THE UNITED STATES OF AMERICA,)
)
 Defendant.)

ORDER DENYING PLAINTIFF'S MOTION FOR
 SUMMARY JUDGMENT ON EXCEPTION NO. 14

On November 13, 1975, plaintiff herein filed a motion for summary judgment concerning plaintiff's exception 14 to defendant's accounting report in this docket. Defendant has filed a response to plaintiff's motion, and plaintiff has filed a reply to the response.

For the reasons expressed in our opinion issued this date in Docket 119, Sioux Tribe of Standing Rock Reservation v. United States, wherein the same issues arose, the Commission concludes that plaintiff has not pleaded a claim for such fifth amendment takings in these proceedings, and consequently, it is not proper to entertain a motion for summary judgment as to such a claim. Accordingly, it is hereby

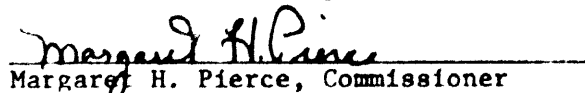
ORDERED that plaintiff's motion for summary judgment on exception 14 hereby is denied.

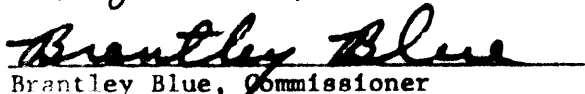
Dated at Washington, D. C., this 25th day of March 1976


 Jerome K. Kuykendall, Chairman


 John T. Vance, Commissioner


 Richard W. Yarborough, Commissioner


 Margaret H. Pierce, Commissioner


 Brantley Blue, Commissioner