

## BEFORE THE INDIAN CLAIMS COMMISSION

THE FORT SILL APACHE TRIBE OF )  
 THE STATE OF OKLAHOMA, )  
 )  
 THE CHIRICAHUA APACHE TRIBE, )  
ex rel., SAM HAOZOUS, BENEDICT )  
 JOHZE, JAMES KAYWAYKLA, )  
 ROBERT GOODAY, DAVID CHINNEY, )  
 )  
 THE WARM SPRINGS APACHE BAND, )  
ex rel., SAM HAOZOUS, BENEDICT )  
 JOHZE, RAYMOND JOHN LOCO, )  
 )  
 THE CHIRICAHUA APACHE BAND, )  
ex rel., ROBERT GOODAY, DAVID )  
 CHINNEY, CASPER CALIO, )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 THE UNITED STATES OF AMERICA, )  
 )  
 Defendant. )

Docket No. 182-A

ORDER DENYING DEFENDANT'S MOTION FOR REHEARING

The Commission has considered defendant's motion for rehearing of June 3, 1977, plaintiffs' response thereto, dated June 17, 1977, and defendant's reply, filed July 7, 1977. On July 7, 1977, defendant also requested that the issues raised by its motion for rehearing be set for oral argument. The Commission concludes that defendant's argument for rehearing merely expands and repeats the theories asserted in the original motion. These theories have been carefully examined and taken into account in the Commission's prior decision, at 40 Ind. Cl. Comm. 143.

Furthermore, although defendant cites several cases in its motion for rehearing which were not cited in the original motion, these cases only augment defendant's original theory and are distinguishable from the instant case.

THEREFORE IT IS ORDERED that defendant's motion for rehearing and request for oral argument be, and the same hereby are, denied.

Dated at Washington, D. C., this 21st day of July 1977.

  
Jerome K. Kuykendall, Chairman

  
John T. Vance, Commissioner

  
Richard W. Yarborough, Commissioner

  
Margaret H. Pierce, Commissioner

  
Brantley Blue, Commissioner