

BEFORE THE INDIAN CLAIMS COMMISSION

RED LAKE BAND AND PETER GRAVES,)
 JOSEPH GRAVES AND AUGUST KING,)
 EX REL, RED LAKE BAND,)
)
 Plaintiffs,)
)
 v.)
)
 THE UNITED STATES OF AMERICA,)
)
 Defendant.)

Docket No. 189-B

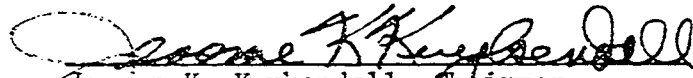
ORDER GRANTING PARTIAL DISMISSAL

UPON CONSIDERATION of defendant's motion for summary judgment and/or dismissal of the claims in Docket 189-B, filed on July 14, 1972; plaintiffs' answer thereto, filed on July 24, 1972; and defendant's reply thereto filed on July 28, 1972, and for the reasons stated in the accompanying opinion, the Commission concludes that plaintiffs' first claim, namely for the taking of the Red Lake Reservation land (Royce Area 706) under the Fifth Amendment, should be dismissed, and further, that plaintiffs' second claim for relief should not be dismissed.

IT IS ORDERED that plaintiffs' first claim for relief (taking under the Fifth Amendment) be, and the same is hereby, dismissed with prejudice, and

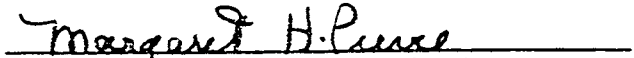
IT IS FURTHER ORDERED that this docket be consolidated with Dockets 19 and 189-A for all purposes, and that the consolidated cases proceed for determination of all issues.

Dated at Washington, D. C., this 29th day of November, 1972.


 Jerome K. Kuykendall, Chairman


 John T. Vance, Commissioner


 Richard W. Yarborough, Commissioner


 Margaret H. Pierce, Commissioner


 Brantley Blue, Commissioner