

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 28 2019

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

In re: PINOLEVILLE POMO NATION;
PINOLEVILLE GAMING AUTHORITY;
PINOLEVILLE GAMING COMMISSION;
PINOLEVILLE BUSINESS BOARD;
PINOLEVILLE ECONOMIC
DEVELOPMENT, LLC; ANGELA
JAMES; LEONA L. WILLIAMS; LENORA
STEELE; KATHY STALLWORTH;
MICHELLE CAMPBELL; JULIAN J.
MALDONADO; DONALD WILLIAMS;
VERONICA TIMBERLAKE;
CASSANDRA STEELE; JASON E.
RUNNING BEAR STEELE; ANDREW
STEVENSON,

No. 19-71522

D.C. No. 3:18-cv-02669-WHO

ORDER*

PINOLEVILLE GAMING AUTHORITY;
PINOLEVILLE POMO NATION, a
federally-recognized Indian tribe;
PINOLEVILLE GAMING COMMISSION;
PINOLEVILLE BUSINESS BOARD;
PINOLEVILLE ECONOMIC
DEVELOPMENT, LLC, a California
limited liability company; ANGELA
JAMES; LEONA L. WILLIAMS; LENORA
STEELE; KATHY STALLWORTH;
MICHELLE CAMPBELL; JULIAN J.
MALDONADO; DONALD WILLIAMS;
VERONICA TIMBERLAKE;
CASSANDRA STEELE; JASON E.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

RUNNING BEAR STEELE; ANDREW
STEVENSON,

Petitioners,

v.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF
CALIFORNIA, SAN FRANCISCO,

Respondent,

JW GAMING DEVELOPMENT, LLC, a
California limited liability company,

Real Party in Interest.

Petition for Writ of Mandamus

Submitted August 7, 2019**
San Francisco, California

Before: O'SCANNLAIN, SILER,*** and NGUYEN, Circuit Judges.

The Pinoleville Pomo Nation and other tribal entities (collectively, the “Tribe”) seek a writ of mandamus vacating the district court’s discovery order and directing the district court to stay all further discovery in this case pending our

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

*** The Honorable Eugene E. Siler, United States Circuit Judge for the U.S. Court of Appeals for the Sixth Circuit, sitting by designation.

resolution of the related appeal in *JW Gaming Development, LLC v. James*, No. 18-17008. Because the facts are known to the parties, we repeat them only as necessary to explain our decision.

The Tribe has failed to show that it is entitled to the “drastic and extraordinary remedy” of a writ of mandamus. *In re Bozic*, 888 F.3d 1048, 1052 (9th Cir. 2018) (internal quotation marks omitted). The district court did not clearly err in finding the requested discovery to be relevant to JW Gaming’s breach of contract claim against the Tribe, for which the district court properly retains jurisdiction. *See id.* Even if such decision were clearly erroneous, the Tribe has failed to demonstrate that the remaining *Bauman* factors militate in favor of mandamus relief in this case. *See id.* at 1054–55.

The petition for a writ of mandamus is DENIED.