

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS

MICHAEL N. MILBY  
CLERK OF COURT  
P.O. Box 61010  
HOUSTON, TEXAS 77208

www.txs.uscourts.gov

AJD  
KP  
JJM  
SSR



Kathy D Patrick  
Gibbs and Bruns  
1100 Louisiana  
Ste 5300  
Houston TX 77002

---

Case: 4:04-cv-00374 Instrument: 94 (2 pages)  
Date: Sep 30, 2005  
Control: 050940723  
FAX number: 713-750-0903 (3 Total pages including cover sheet)  
Notice: The attached order has been entered.

---

You could have received this notice faster by e-mail,  
and  
You can serve other parties through the court's electronic filing system.

Electronic Noticing and Filing is authorized in Civil, Criminal and Bankruptcy Cases.

Read more about it at [www.txs.uscourts.gov](http://www.txs.uscourts.gov) under CM/ECF - Electronic Filing,  
and  
Register on-line for a training class to receive your user privileges.

If we are unable to successfully send this fax, we will print this notice and mail it to you. We will continue to attempt to fax all subsequent notices. For questions, please call (713) 250-5768.




denied, the magistrate judge did not conclude that the record presented by the agency is insufficient to demonstrate the adequacy of the agency's deliberation prior to making the decision. The Magistrate found, on the contrary, that neither party had sufficiently identified the portions of the administrative record which are said to demonstrate the Forest Services' compliance with, or violation of, the minimum standards set out in the NFMA regulations. Consequently, a fact issue remains as to whether the agency's decision is as a matter of law arbitrary and capricious, and should be vacated. Accordingly, the magistrate judge found that summary judgment is not appropriate on either party's motion on this issue. It is therefore

ORDERED, ADJUDGED and DECREED that United States Magistrate Judge Milloy's Memorandum and Recommendation is hereby adopted by this Court.

The Clerk shall enter this Order and provide all parties with a true copy.

SIGNED on this the 30 day of September, 2005, at Houston, Texas.

  
\_\_\_\_\_  
VANESSA D. GILMORE  
UNITED STATES DISTRICT JUDGE