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Counsel for Plaintiffs

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

ST. LUKE'S HEALTH SYSTEM, LTD; ST.
LUKE'S REGIONAL MEDICAL CENTER,
LTD; CHRIS ROTH, an individual;
NATASHA D. ERICKSON, MD, an
individual; and TRACY W. JUNGMAN, NP,
an individual,

Plaintiffs,

vs.

AMMON BUNDY, an individual; AMMON
BUNDY FOR GOVERNOR, a political
organization; DIEGO RODRIGUEZ, an
individual; FREEDOM MAN PRESS LLC, a
limited liability company; FREEDOM MAN
PAC, a registered political action committee;
and PEOPLE'S RIGHTS NETWORK, a
political organization and an unincorporated
association,

Defendants.

Case No. CV01-22-06789

**NOTICE OF IDAHO USDC ORDER
(DKT. 31) HOLDING RODRIGUEZ'S
ATTEMPTED REMOVAL WAS MOOT**

Plaintiffs, by and through their attorneys of record, Holland & Hart LLP, hereby provides notice of the May 26, 2023 Order (Dkt 31) from the Idaho USDC dismissing Diego Rodriguez's Notice of Removal (Dkt 29) as Moot, attached hereto as **Exhibit A**.

DATED: June 1, 2023.

HOLLAND & HART LLP

By: /s/Erik F. Stidham

Erik F. Stidham

Jennifer M. Jensen

Zachery J. McCraney

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of June, 2023, I caused to be filed via iCourt and served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Ammon Bundy for Governor
P.O. Box 370
Emmett, ID 83617

- U.S. Mail
- Hand Delivered
- Overnight Mail
- Email/iCourt/eServe:

Ammon Bundy for Governor
c/o Ammon Bundy
4615 Harvest Ln.
Emmett, ID 83617-3601

- U.S. Mail
- Hand Delivered
- Overnight Mail
- Email/iCourt/eServe:

Ammon Bundy
4615 Harvest Ln.
Emmett, ID 83617-3601

- U.S. Mail
- Hand Delivered
- Overnight Mail
- Email/iCourt/eServe:

People's Rights Network
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4615 Harvest Ln.
Emmett, ID 83617-3601

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- Hand Delivered
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People's Rights Network
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- Hand Delivered
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Freedom Man Press LLC
c/o Diego Rodriguez
1317 Edgewater Dr. #5077
Orlando, FL 32804

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/s/ Erik F. Stidham

Erik F. Stidham

OF HOLLAND & HART LLP

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Exhibit A

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

AMMON BUNDY; AMMON BUNDY
FOR GOVERNOR; DIEGO
RODRIGUEZ; FREEDOM MAN PAC;
PEOPLE'S RIGHTS NETWORK; and
FREEDOM MAN PRESS LLC,

Plaintiffs,

v.

ST. LUKE'S HEALTH SYSTEM LTD.;
ST. LUKE'S REGIONAL MEDICAL
CENTER LTD.; CHRIS ROTH;
NATASHA ERICKSON, MD; and
TRACY JUNGMAN,

Defendants.

Case No. 1:23-cv-00212-DCN

ORDER

On May 19, 2023, the Court entered an Order remanding this case back to state court due to a lack of subject matter jurisdiction and other procedural defects. Dkt. 26. Despite the Court's Order remanding this case, Plaintiff Diego Rodriguez filed a "Notice of Removal" on May 23, 2023. Dkt. 29.

Although styled as a notice of removal, based on the language in the "Notice," the Court construes it as a Motion to Reconsider. For example, in his "Notice," Rodriguez states that the Court "overlooked, ignored, and considered 'moot'" his previous petition. *Id.* at 2. Further, he argues that the undersigned's ruling was "spurious and specious." *Id.*

at 4. Rodriguez is mistaken. The Court considered his petition in its previous Order¹ and explained why it was required to remand the case.² Dkt. 26, at 1 n.1; 2, 6, 8.

Generally, an order to remand is “not reviewable on appeal or otherwise.” 28 U.S.C. § 1447(d). The narrow exceptions to this rule do not apply to Rodriguez’s Motion, as explained in the previous Order, because nothing in the underlying case implicates 28 U.S.C. §§ 1442 or 1443. Additionally, motions to reconsider are disfavored. *See, e.g., Hajro v. Sullivan*, 2022 WL 17362060, at *2 (D. Idaho Dec. 1, 2022) (cleaned up). For these reasons, the Court will DISMISS Rodriguez’s “Notice” as MOOT.³

On May 23, 2023, St. Luke’s filed a Motion to Remand. Dkt. 30. Given that the Court already remanded this case (Dkt. 26) and is dismissing Rodriguez’s Motion as MOOT, the Court will do the same with Defendants’ Motion.

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¹ Rodriguez “joined” Bundy’s Petition, so the Court has already ruled on removal as to all Plaintiffs, including Rodriguez, in its previous Order.

² Even were the Court to consider Rodriguez’s filing as a true Notice of Removal, it would still fail for the reasons outlined in the Court’s prior decision. *See* Dkt. 26. The Court lacks diversity jurisdiction and federal question jurisdiction over the claims at issue, Rodriguez’s notice is extremely untimely, and his “removal” does not comply with local rules.

³ Again, whether a “Notice of Removal” is filed by Rodriguez or any other “Plaintiff,” complete diversity is lacking, so the case must be remanded.

The Court HEREBY ORDERS:

1. Plaintiff Diego Rodriguez's "Notice of Removal" (Dkt. 29) is DISMISSED as MOOT.
2. Defendants' Motion to Remand (Dkt. 30) is DISMISSED as MOOT.



DATED: May 26, 2023

A handwritten signature in black ink, appearing to read "David C. Nye", written over a horizontal line.

David C. Nye
Chief U.S. District Court Judge