UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

UNITED STATES OF AMERICA	**3:16-CR-00051-BR**
v. **AMMON BUNDY, et al.,**	**SHAWNA COX MOTION TO RECONSIDER ORDER TAKING JUDICIAL NOTICE... (dkt #1317), IN PART**
Defendants.	

COMES NOW Defendant Shawna Cox respectfully requesting reconsideration of the Order issued by the Court in regard to Defendants request that this " Court take judicial notice that absent properly ceding jurisdiction to the federal Government, the State and County retain absolute jurisdiction over said lands."

The government, in the GOVERNMENT'S MOTION FOR JUDICIAL NOTICE REGARDING OWNERSHIP OF THE MNWR HEADQUARTERS AREA (dkt #1229), failed to address ceding. Understanding the requirements of the Statute of Frauds, the government offered no proof that there was a written instrument that returned jurisdiction to the federal government.

This concern was clarified by Congress with 40 US Code § 3112 (b) & (c):

> (b) Acquisition and Acceptance of Jurisdiction. - When the head of a department, agency, or independent establishment of the Government, or other authorized officer of the department, agency, or independent establishment, considers it desirable, that individual may accept or secure, from the State in which land or an interest in land that is under the immediate jurisdiction, custody, or control of the individual is situated, consent to, or cession of, any jurisdiction over the land or interest not previously obtained. The individual shall indicate acceptance of jurisdiction on behalf of the Government by filing a notice of acceptance with the Governor of the State or in another manner prescribed by the laws of the State where the land is situated.
>
> (c) Presumption. - It is conclusively presumed that jurisdiction has not been accepted until the Government accepts jurisdiction over land as provided in this section.

This Statute requires an exercise that is consistent with the Statute of Frauds, as well as being consistent with the wording in 40 STAT 2035, which states that it "shall not be held to

deprive any State or political subdivision thereof of its civil and criminal jurisdiction in and over such property."

The government offers Kleppe v. New Mexico, 426 U.S. 529, 543 (1976) to support their broad contention of jurisdiction un Article IV, § 3, clause 2, however, Kleppe addressed jurisdiction over land that had not been transferred out of the government's ownership, and to that, there is no contest. Kleppe merely attached the federal jurisdiction to the burros, whether on, or off of, the public lands. This is akin to the parent's jurisdiction over the child, both inside and outside of the home. It is only for the return of the burros, and of the children. It does not carry with it a jurisdiction over the land where the burros roam, except to the extent of the right to retain ownership of the burros, and obligation to remove them, when so notified. Kleppe addressed an Act of Congress appropriately titled "Wild Free-roaming Horses and Burros Act", as it applied to the presumption that the home of the burros was the public lands, and they had simply decided to wander away from that home. It did not apply to burros that were raised and branded by a private owner.

The Order cites, in footnote 1, page 6, that "at trial Harney County Sheriff David Ward testified the state exercised jurisdiction over the MNWR concurrently with federal jurisdiction over those lands." That does not meet the statutory requirements set forth in 40 US Code § 3112. It can be considered to be nothing more than an unfounded opinion, not support by any factual proof.

It is impossible to prove negative, and for that reason, 40 US Code §3112 sets the standard for proof that there exists a jurisdiction, whether exclusive or concurrent. Any determination to the contrary is Arbitrary and Capricious.

Therefore, I restate my request that this Court take Judicial Notice that Oregon, or any party so qualified as per 40 US Code § 3112, has not ceded jurisdiction over the subject MNWR land to the federal government, nor has the requisite "filing [of] a notice of acceptance with the Governor of the State" been satisfied.

Dated this 22nd day of September 2016.

Respectfully submitted,
Shawna Cox,
Pro Se

/S/ Shawna Cox