

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
NORTHWESTERN DIVISION**

Archie LaVallie, Jr.,	)	
	)	
Plaintiff,	)	<b>ORDER</b>
	)	
vs.	)	
	)	
Turtle Mountain Tribal Court,	)	
Beverly May, Tribal Judge, and	)	
Marty Delorme, Chief Correctional Officer,	)	Case No. 4:06-cv-009
	)	
Defendants.	)	

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Before the Court is a petition for habeas corpus relief filed by Archie LaVallie, Jr. on February 17, 2006. According to the petition, on February 3, 2006, LaVallie was sentenced to a serve a 135 day sentence for violating the conditions of his probation. LaVallie is currently in custody at the Turtle Mountain Law Enforcement Center in Belcourt, North Dakota. LaVallie is challenging his detention on the grounds that he did not admit or plead guilty to the alleged probation violations and he was not physically present at the sentencing hearing.

Although not expressly cited, LaVallie’s petition is predicated upon Section 1303 of the Indian Civil Rights Act codified at 25 U.S.C. § 1303. It provides that “[t]he privilege of the writ of habeas corpus shall be available to any person in a court of the United States to test the legality of his detention by order of an Indian tribe.” 25 U.S.C. § 1303.

Without passing on the merits of the petition, the Court directs the Clerk of Court’s Office to serve the Defendants with a copy of the petition and **ORDERS** the Defendants to show cause as

to why the petition should not be granted within fourteen (14) days from the date of this order. The Court grants LaVallie's request to proceed in forma pauperis.<sup>1</sup>

**IT IS SO ORDERED.**

Dated this 21<sup>st</sup> day of February, 2006.

A handwritten signature in black ink, appearing to read "Dan Hovland", written over a horizontal line.

Daniel L. Hovland, Chief Judge  
United States District Court

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<sup>1</sup>In his petition, LaVallie named only the Turtle Mountain Tribal Court and Beverly May. The Court directs the Clerk of Court's Office to add Chief Correctional Officer, Marty Delorme, as a defendant. See 28 U.S.C. § 2242 (explaining the a petition should include the name of the person who has custody over the individual).