

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

JENNIFER WOUNDED KNEE,

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CIV 12-3013-RAL

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Plaintiff,

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vs.

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ORDER AND JUDGMENT
OF DISMISSAL

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TRIBAL COUNCIL,
CROW CREEK TRIBAL ELECTION
BOARD,
CROW CREEK SIOUX TRIBE,

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Defendant.

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Plaintiff on the late afternoon of April 18, 2012, filed this case to, among other things, seek to have this Court enjoin the election scheduled for April 19, 2012, for positions with the Crow Creek Tribal Council. Plaintiff was unsuccessful in a primary election held on March 29, 2012, and claims there were various problems with that primary election that tainted the outcome. Plaintiff filed an action in the Tribal Court of the Crow Creek Sioux Tribe, but was denied relief. Plaintiff also has filed to proceed in forma pauperis in this case.

This Court generally lacks jurisdiction to interfere in matters involving tribal elections. In Sac & Fox Tribe of Mississippi In Iowa, Election Bd. v. BIA, 439 F.3d 832, 835 (8th Cir. 2006), the Eighth Circuit explained:

In cases involving tribal affairs, we exercise Section 1331 jurisdiction only when federal law is determinative of the issues involved. Jurisdiction to resolve internal tribal disputes and interpret tribal constitutions and laws . . . lies with Indian tribes and not in the district courts. We have characterized election disputes between competing tribal councils as nonjusticiable, intratribal matters.

Id. (internal marks and citations omitted); see also Goodface v. Grassrope, 708 F.2d 335, 339 (8th Cir. 1983); see also COHEN’S HANDBOOK OF FEDERAL INDIAN LAW § 4.06[1][6][ii] at p. 289.

Therefore, for good cause, it is

ORDERED that Plaintiff is granted leave to proceed in forma pauperis. It is further

ORDERED that Plaintiff's request for injunctive relief and other relief will not be granted, as this Court lacks jurisdiction and therefore dismisses the case.

Dated April 18, 2012

BY THE COURT:

/s) Roberto A. Lange

ROBERTO A. LANGE

UNITED STATES DISTRICT JUDGE