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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

8 PERLINE THOMPSON, et al.,)
)
9 Plaintiffs,) Case No. 3:18-cv-00147-RCJ-WGC
)
10 vs.) **MOTION TO DISMISS PLAINTIFFS'**
) **COMPLAINT (ECF No. 6)**
11 UNITED STATES OF AMERICA ex rel.)
THE DEPARTMENT OF THE)
12 INTERIOR, et al.,)
)
13 Defendants.)
)

14
15 COMES NOW, Defendants Rodney Mike, Kathy Adams-Blackeye, Lili Ann Pete,
16 Keith Honaker, Allen Ambler, and Daniel P. Ward (Defendants), by and through
17 undersigned counsel, and move this Court to dismiss Plaintiffs' Complaint against
18 Defendants. This Motion is supported by the Following Points and Authorities and the file
19 contained herein.

20 **POINTS AND AUTHORITIES**

21 **Introduction**

22 Plaintiffs' Complaint centers around an allegation that they should have political
23 control of the Duckwater Shoshone Tribe ("Tribe) and that politics as well as the Tribal
24 courts have denied them the ability to have control over the Tribe. As shown, the attempt to
25 use this Court for their political desires is not proper. In this matter, Defendants are seeking
26 a dismissal of Plaintiffs' Complaint (ECF No. 6) pursuant to Fed.R.Civ.P. 12(b) based on: 1)
27 lack of service of process, 2) lack of personal jurisdiction, 3) Plaintiffs filing in the wrong
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1 venue, 3) lack of subject matter jurisdiction, 4) failing to state a claim upon which relief may
2 be granted, and 5) Defendants having immunity.

3 **1. LR 8-1 requires dismissal.**

4 Plaintiffs were required to "state the statutory or other basis of claimed federal
5 jurisdiction and the facts to support it." LR 8-1. While Plaintiffs state some jurisdictional
6 codes in their Complaint, Plaintiffs fail to state any facts that support any of the statutory
7 basis cited and thus Plaintiffs fail to state as required the jurisdictional basis for their
8 lawsuit.¹ As such, Plaintiffs' Complaint must be dismissed.

9
10 **2. LR 1A 1-8 requires dismissal.**

11 Plaintiffs bring their lawsuit alleging that certain actionable activities "occurred in
12 Duckwater Shoshone Indian Reservation." (ECF No. 6, 4:26-28). Duckwater is located in
13 Nye County, Nevada. Local Rule 1A 1-8(a) requires that civil actions "*must* be filed in the
14 clerk's office for the unofficial division of the court in which the action allegedly arouse."
15 (emphasis added). Nye County is located in the Southern Division. LR 1A 1-6. As such,
16 Plaintiffs' Complaint must be have been filed in Las Vegas and not in Reno and Plaintiffs'
17 Complaint must dismissed for filing in the wrong division.

18
19 **3. This Court does not have personal jurisdiction over Defendants due to
20 insufficiency of service of process upon them.**

21 To date their has not been a showing of service of process, but out of cautiousness,
22 Defendants are filing this motion to avoid having to set aside any default should Plaintiffs
23 attempt to take a default.

24 Plaintiffs claimed to have served their Complaint to Defendants in a variety of
25 manners including by mailing. See Certificate of Mailing/Delivery of the Complaint. This

26
27 ¹ It should be noted that many of the jurisdictional statutes cited are not relevant to this
28 matter.

1 is not proper service of process. Plaintiffs bear the burden of showing that proper service of
2 process has occurred. *Brockmeyer v. May*, 383 F.3d 798, 801 (9th Cir. 2004); See also *R.*
3 *Griggs Grp. Ltd. v. Filanto Spa*, 920 F. Supp. 1100, 1102 (D. Nev. 1996). Actual notice of a
4 lawsuit will not subject a defendant to personal jurisdiction *Crowley v. Bannister*, 734 F.3d
5 967, 975 (9th Cir. 2013) (quotation omitted). "A federal court does not have jurisdiction
6 over a defendant unless the defendant has been served properly under Fed. R. Civ. P. 4."
7 *Direct Mail Specialists, Inc. v. Eclat Computerized Tech., Inc.*, 840 F.2d 685, 688 (9th Cir.
8 1988).

9 Based on the lack of showing of proper service of process upon Defendants, this
10 matter should be dismissed.

11
12 **4. This Court does not have subject matter jurisdiction.**

13 a. Plaintiffs' ICRA cause of action

14 Plaintiffs allege two (2) causes of actions against Defendants. Plaintiffs have listed
15 two sections entitled "Second Claim for Relief." The second "Second Claim" alleges that
16 Defendants violated "the Indian Civil Rights Act of 1968 re: Due Process, Cruel and
17 Unusual Punishment and Equal Protection." (ECF No 6, 21:21-25). Said cause of action
18 alleges that Defendants have denied Plaintiffs their rights to due process and that they are
19 entitled to relief under the Indian Civil Rights Act of 1968 ("ICRA"). *Id.* at 21-22, ¶ 62-64.

20 This Court does not have subject matter jurisdiction over Plaintiffs' cause of action
21 alleging ICRA due process violations.

22 The Supreme Court has held that the only remedy available from the federal courts
23 under ICRA is a writ of habeas corpus under 25 U.S.C. S 1303. *Santa Clara Pueblo v.*
Martinez, 436 U.S. 49, 69-72 (1978). Plaintiffs do not seek such a writ. Thus, ICRA
24 provides no cause of action for plaintiffs' claims.

Hein v. Diegueno Mission Indians, 201 F.3d 1256, 1260-61 (9th Cir., 2000)

25 Since Plaintiffs have not brought a habeas corpus action and have not alleged facts allowing
26 them to bring such an action, Plaintiffs have failed to state a cause of action upon which
27 relief may be granted as well failing to bring a cause of action upon which this Court has
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1 subject matter jurisdiction. Therefore this cause of action must be dismissed against
2 Defendants.

3
4 b. Plaintiffs' request for Declaratory Judgment

5 Plaintiffs request a declaratory judgment against "Defendant Mike administration's
6 actions as illegal and in violation of the Plaintiffs civil rights." (ECF No. 6, p. 23, ¶ 68).
7 This request for a declaratory judgment finding that Plaintiffs' ICRA rights have been
8 violated is necessarily premised on a finding that Plaintiffs' ICRA rights have in fact been
9 violated -- which this Court does not have subject matter jurisdiction over. Therefore,
10 Plaintiffs' request for a declaratory judgment against Defendants must also be dismissed due
11 to a lack of subject matter jurisdiction.

12
13 **5. The Defendants are immune from this lawsuit.**

14 a. All Defendants have Tribal Sovereign Immunity

15 Plaintiffs have sued the defendants in a variety of capacities. With the exception of
16 Pete (who was only sued in her official capacity), all other defendants were sued in both
17 their individual and official capacities.

18 As alleged by Plaintiffs, the individuals being sued have been performing work on
19 behalf of the Duckwater Shoshone Tribe ("Tribe), and that the Tribe is a Federally
20 Recognized Tribe. (ECF No. 6, 4:26-28). Such a Tribe is immune to a lawsuit due to its
21 Tribal sovereign immunity. "As a matter of federal law, an Indian tribe is subject to suit
22 only where Congress has authorized the suit or the tribe has waived its immunity." *Kiowa*
23 *Tribe of Oklahoma v. Manufacturing Tech.*, 523 U.S. 751, 118 S.Ct. 1700, 140 L.Ed.2d 981
24 (1998) (internal citation omitted).

25 Plaintiffs are aware of this and have attempted to bypass this immunity by suing the
26 individual defendants instead of the Tribe. However, naming individuals instead of the
27 Tribe does not defeat the Tribe's immunity.

1 In the context of lawsuits against employees of a sovereign entity,

2 "[C]ourts should look to whether the sovereign is the real party in interest to
3 determine whether sovereign immunity bars the suit." See *Hafer v. Melo*, 502 U.S.
4 21, 25, 112 S.Ct. 358, 116 L.Ed.2d 301 (1991)). In making this assessment, courts
5 may not simply rely on the characterization of the parties in the complaint, but rather
6 must determine in the first instance whether the remedy sought is truly against the
7 sovereign. See, e.g., *Ex parte New York*, 256 U.S. 490, 500–502, 41 S.Ct. 588, 65
L.Ed. 1057 (1921). Similarly, lawsuits brought against employees in their official
capacity "represent only another way of pleading an action against an entity of which
an officer is an agent," and they may also be barred by sovereign immunity. *Kentucky*
v. Graham, 473 U.S. 159, 165–166, 105 S.Ct. 3099, 87 L.Ed.2d 114 (1985) (internal
quotation marks omitted).

Lewis v. Clarke, 137 S. Ct. 1285, 1290, 197 L. Ed. 2d 631 (2017)

8 The identity of the real party in interest dictates what immunities may be available.
9 Defendants in an official-capacity action may assert sovereign immunity. *Graham*,
473 U.S., at 167, 105 S.Ct. 3099.

10 Id. at 137 S. Ct. 1291

11 In an official-capacity claim, the relief sought is only nominally against the official
12 and in fact is against the official's office and thus the sovereign itself. *Will v.*
13 *Michigan Dept. of State Police*, 491 U.S. 58, 71, 109 S.Ct. 2304, 105 L.Ed.2d 45
(1989); *Dugan v. Rank*, 372 U.S. 609, 611, 620–622, 83 S.Ct. 999, 10 L.Ed.2d 15
(1963).

14 Id.

15 The real party in interest is the government entity, not the named official. See
Edelman v. Jordan, 415 U.S. 651, 663–665, 94 S.Ct. 1347, 39 L.Ed.2d 662 (1974).

16 Id.

17 In this matter, Plaintiffs allegations are clearly directed to the conduct that
18 Defendants have taken in their official capacities and on behalf of the Tribe.

19 As to Defendant Pete, Plaintiffs have only sued her "in her official capacity for her
20 actions while on the Duckwater Shoshone Tribal Council" due to her being a "former
21 Duckwater Tribal Councilmember." (ECF No. 6, 6:14-15). Plaintiffs desire to sue Pete as a
22 Tribal government official for acts done while in office shows that the real party in interest
23 is the Tribe and thus Pete is immune from this lawsuit and should be dismissed from it.

24 The same holds true for the other defendants. "Rodney Mike is the sitting elected
25 Chairman of the Duckwater Shoshone Tribe . . . and is being sued in his official capacity and
26 as an individual". Id. at 6:5-8. Kathy Adams-Blackeye is sued due to her being "the current
27 Acting Director of Finance and former Duckwater Shoshone Tribal Councilmember." She is
28 "sued in her official capacity for her actions while on the Duckwater Shoshone Tribal

1 Council, as an employee of the Duckwater Shoshone Tribe, Duckwater Shoshone Tribal
2 Councilmember and (as an) individual." *Id.* at 6:9-13. Honaker is sued due to him being
3 "the current Acting Tribal Manager for the Duckwater Shoshone Tribe" and he "is being
4 sued in his official capacity as an employee of the Duckwater Shoshone Tribe". *Id.* at 6:19-
5 21. Ambler is sued "in his official capacity and as an individual" for performing his
6 obligations as the "Tribal Attorney for the Duckwater Shoshone Tribe." *Id.* at 6:16-18.

7 In addition to the above allegations, Plaintiffs further allege that "Defendant Mike, *as*
8 *Chairman* of the Duckwater Shoshone Tribal Council, Defendant Adams-Blackeye, and
9 Defendant Pete, *as Secretary* of the Duckwater Shoshone Tribal Council, *within their*
10 *official capacities . . .*" (emphasis added) *Id.* at 9:7-10. "Defendant Adams-Blackeye, *as*
11 *Vice-Chairman* of the Duckwater Shoshone Tribal Council, made the motion . . ."
12 (emphasis added) *Id.* at 9:21-24. "That acting *as the Duckwater Shoshone Tribe's Attorney*,
13 Defendant Ambler filed in the Duckwater Shoshone Tribal court, an Emergency Civil
14 Complaint . . ." (emphasis added) *Id.* at 10:5-7. "Judge Daniel Ward determined that the
15 Duckwater Shoshone Tribal Court lacked jurisdiction to hear and make a determination on
16 the complaints . . ." *Id.* at 10:16-18. "Defendant Ambler was also given authority by
17 Defendant Mike, per Duckwater Shoshone Tribal Resolution No. 2017-D-22, *to serve as*
18 *their counsel*". *Id.* at 11:7-9.

19 In addition to the allegations showing the acts complained of were from individuals
20 acting within their capacities as Tribal officials and/or employees, there are also multiple
21 references by Plaintiffs as to "the political machine" of the Tribe further showing that the
22 acts complained of are from Tribal politics (i.e. disagreement with acts from government
23 political officials). *Id.* at 13:11-12; 22:1-2; 24:16-17.

24 As presented, Plaintiffs' allegations are directed to alleged conduct of Defendants that
25 they have taken in their official capacities and on behalf of the Tribe. Due to the acts being
26 complained of (alleged violations of ICRA), the real party in interest is the Tribe and as such
27 Defendants have Tribal sovereign immunity and must be dismissed from this lawsuit.
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1 b. Defendant Ward has Judicial Immunity

2 In addition to having Tribal sovereign immunity due to their official capacities within
3 the Tribe, Defendant Ward also has judicial immunity from being a judge for the Tribe.
4 Plaintiffs allege that Ward was a judge for the Tribe and that he improperly performed acts
5 in said role.²

6 Judges are entitled to absolute immunity for actions taken in their judicial capacity.
7 *Mishler v. Clift*, 191 F.3d 998, 1003 (9th Cir. 1999). Judicial immunity means that a judge is
8 immune from suit, not simply that he is immune from the ultimate assessment of damages.
9 *Mireles v. Waco*, 502 U.S. 9, 11 (1991).

10 The United States Supreme Court has repeatedly stated that judicial immunity serves
11 the public interest by allowing judges to deal fearlessly with public issues without the
12 intimidation of future liability. *Clinton v. Jones*, 520 U.S. 681, 692-93 (1997). The threat or
13 burden of litigation leads to intimidation of a public official that distracts from the official's
14 duties, and distorts an official's usefulness. *Id.*; *see Id.* at 721 (concurring opinion stating a
15 "lawsuit that significantly distracts an official from his public duties can distort the content
16 of a public decision"). Based upon this rationale, courts apply judicial immunity no matter
17 how erroneous the judge's actions may have been, and no matter how injurious the
18 consequences of the judge's actions are to a party. *Martinez v. Newport Beach City*, 125 F.3d
19 777, 780 (9th Cir. 1997). Judicial immunity will apply even where a plaintiff alleges that a
20 Judge conspired with one party to rule against another party. *Moore v. Brewster*, 96 F.3d
21 1240, 1244 (9th Cir. 1996). "Few doctrines were more solidly established at common law
22 than the immunity of judges from liability for damages for acts committed within their
23

24 ² Plaintiffs only allegations against Judge Ward are that he was the Tribal Judge, that his
25 contract was cancelled, that he determined that the Tribal Court lacked jurisdiction to
26 determine complaints filed by some of the named defendants in the case at bar, and that he
27 recommended mediation. (ECF No. 6, 7:1-5; 10:16-23).
28

1 judicial jurisdiction." *Pierson v. Ray*, 386 U.S. 547, 553-554 (1967). The scope of a judge's
2 jurisdiction must be construed broadly when addressing the immunity of the judge. *Stump v.*
3 *Sparkman*, 435 U.S. 349, 359 (1978). An action will not be considered to be taken in the
4 clear absence of all jurisdiction unless the action is taken without any colorable claim of
5 jurisdiction. *Id.* at 356-57; *Snell v. Tunnell*, 920 F.2d 673, 686 (10th Cir. 1990). "Judges and
6 those performing judge-like functions are absolutely immune from damage liability for acts
7 performed in their official capacities." *Ashelman v. Pope*, 793 F.2d 1072, 1075 (9th Cir.
8 1986); *see also Butz v. Economou*, 438 U.S. 478 (1978).

9 Due to being sued for work performed as a judge for the Tribe, Judge Ward is
10 immune from suit -- which requires that this court dismiss the claims against him.

11 c. Ambler has Advocate Immunity

12 As the Tribe's Legal Counsel, Ambler is also entitled to both litigation immunity and
13 prosecutorial immunity.³ Under Nevada law, "communications uttered or published in the
14 course of judicial proceedings are absolutely privileged, rendering those who made the
15 communications immune from civil liability." *Greenberg Traurig v. Frias Holding Co.*, 331
16 P.3d 901, 903 (Nev. 2014) (en banc) (quotation omitted). It is an absolute privilege that
17 "bars any civil litigation based on the underlying communication." *Hampe v. Foote*, 47 P.3d
18 438, 440 (Nev. 2002), *abrogated on other grounds by Buzz Stew, LLC v. City of N. Las*
19 *Vegas*, 181 P.3d 670 (Nev. 2008). The privilege's scope is "quite broad." *Fink v. Oshins*, 49
20 P.3d 640, 644 (Nev. 2002).

21 In addition to litigation immunity, Ambler also has prosecutorial immunity.

22 Prosecutors performing their official prosecutorial functions are entitled to
23 absolute immunity against constitutional torts. The Supreme Court has held that this
24 rule follows for the same reason that prosecutors were given immunity at common

25 ³ Plaintiffs allege that Ambler was hired as Legal Council for the Tribe through Tribal
26 Resolution 2017-D-22. (ECF No. 6, 11:8-9). Said Resolution was signed by Rodney Mike
27 (the Tribal Chairperson) after a vote of the Tribal Council. ECF No. 6-1, p. 112 (Exhibit M
28 to Plaintiffs' Complaint).

1 law—without it, resentful defendants would bring retaliatory lawsuits against their
 2 prosecutors, and because a prosecutor "inevitably makes many decisions that could
 3 engender colorable claims of constitutional deprivation[, d]efending these decisions,
 4 often years after they were made, could impose unique and intolerable burdens upon a
 5 prosecutor." *Van de Kamp v. Goldstein*, 555 U.S. 335, 342 (2009) (quoting *Imbler v.*
Pachtman, 424 U.S. 409, 425-26 (1976)) (internal quotation marks omitted). Without
 the promise of immunity from suit, a prosecutor would be distracted from his duties
 and timid in pursuing prosecutions rather than exercising the independent judgment
 and discretion that his office requires. *See id.*

Lacey v. Maricopa Cnty., 693 F.3d 896, 912 (9th Cir., 2012)

6
 7 Prosecutors are entitled to absolute prosecutorial immunity for acts taken in their
 8 official capacity. *See Van de Kamp v. Goldstein*, 555 U.S. 335, 342-43 (2009); *Kalina v.*
 9 *Fletcher*, 522 U.S. 118, 123-25 (1997). Prosecutors are immune from liability for acts
 10 performed in the scope of their authority that are an "integral part of the judicial process."
 11 *Imbler v. Pachtman*, 424 U.S. 409, 430 (1976). The Supreme Court of Nevada has adopted
 12 the rule that absolute immunity is afforded to all persons "who are an integral part of the
 13 judicial process." *Duff v. Lewis*, 114 Nev. 564, 568, 958 P.2d 82, 85 (1998).

14 To the extent Plaintiffs allege any prosecutorial actions against Ambler, he has
 15 absolute prosecutorial immunity as well as litigation immunity and therefore he must be
 16 dismissed from this lawsuit.

17
 18 **6. Plaintiffs' have failed to state claims upon which relief may be granted.**

19 While Defendants recognize that the previously discussed immunity defenses are
 20 actually defenses regarding a failure to state a claim upon which relief may be granted,
 21 Defendants wanted to separate the immunity defenses from defenses regarding Plaintiffs not
 22 stating any facts that give rise to a cause of action -- which is presented here.

23 A Fed.R.Civ.P. 12(b)(6) dismissal is proper where there is either a "lack of a
 24 cognizable legal theory" or "the absence of sufficient facts alleged under a cognizable legal
 25 theory." *Balisteri v. Pacifica Police Dept.*, 901 F.2d 696, 699 (9th Cir. 1990). Fed.R.Civ.P.
 26 12(b)(6) dismissal is proper when a "plaintiff can prove no set of facts in support of his
 27 claim which would entitle him to relief." *Conley v. Gibson*, 355 U.S. 41, 45-46, 78 S.Ct. 99,
 28 101-102 (1957). "[A] plaintiff's obligation to provide the 'grounds' of his 'entitlement to

1 relief' requires more than labels and conclusions, and a formulaic recitation of the elements
2 of a cause of action will not do." *Bell Atl. Corp. v. Twombly*, 127 S. Ct. 1955, 1964-65
3 (2007) (internal citations omitted).

4 a. ICRA claim

5 As previously presented, Plaintiffs have not stated a cognizable claim under ICRA
6 that this court can address -- which is the sole claim against Defendants. In addition to
7 Plaintiffs not stating a claim upon which relief may be granted, Plaintiff have also failed to
8 allege any bad acts against Judge Ward and Ambler.

9 b. Judge Ward claims

10 While Plaintiffs have named Judge Daniel Ward as a defendant, they have not alleged
11 any wrongdoing against him. The only allegations against Judge Ward are that:

12 15. Daniel P. Ward was the Tribal Court Judge of the Duckwater Shoshone Tribal
13 Court, that his contract was cancelled and is operating without authority of the
14 Duckwater Shoshone Tribal Council, and is being sued in his capacity as an
employee/contractor of the Duckwater Shoshone Indian Tribe and as an individual;
(ECF No. 6, 7:1-5)

15 15. On June 21, 2017, Judge Daniel Ward determined that the Duckwater
16 Shoshone Tribal Court lacked jurisdiction to hear and make a determination on the
17 complaints filed by Defendants Mike and Adams-Blackeye, Ward's letter is marked
18 Exhibit K, attached hereto and incorporated herein. That Judge Ward issued an
official "letter" stating that the court could not hear the case and that mediation was
the best way to deal with the issues of the Emergency Civil Complaint as filed; *Id.* at
10:16-23.

19 62. That Defendants . . . Ward . . . have sought to deny the Plaintiffs their right to
20 due process by forming a political machine, using the Duckwater Tribal Court to
21 carry forth illegal processes, without proper authorization for Wright to act as a
22 Duckwater Tribal Court Judge, Defendant Ambler colluding with Defendant Wright
to carry forth directions of Defendant Mike, by Defendant Ward allowing for
Defendant Wright to illegal assume the Duckwater Shoshone Tribal Court bench and
conduct illegal judicial processes; *Id.* at 21:28-22:7.

23
24 Plaintiffs allegations that Judge Ward was the Tribal Judge, that his contract was
25 cancelled, that he determined that the Court lacked jurisdiction to determine complaints filed
26 by some of the named defendants in the case at bar, and that he recommended mediation (i.e.
27 finding that he would not take any judicial action) do not give rise to any of the causes of
28

1 actions filed by Plaintiffs.⁴ These facts alleged by Plaintiffs simply fail to state any claim,
2 including a valid ICRA claim, against Judge Ward and he and the claims should be
3 dismissed from this lawsuit.

4 c. Ambler claims

5 Plaintiffs have alleged that Ambler was hired as a Tribal Advocate to be legal counsel
6 for the Tribe, that Ambler filed a motion in Tribal Court and a further motion for
7 clarification, and that the filing of the motions were ethically prohibited. Plaintiffs further
8 allege that the filing of these motions in Tribal Court was a violation of due process. The
9 only claim brought by Plaintiffs against Ambler is the ICRA claim and these facts alleged by
10 Plaintiffs simply fail to state any claim, including a valid ICRA claim, against Ambler and
11 he should be dismissed from this lawsuit.

12 The only allegations against Ambler are:

13 12. Allen Ambler is a non-tribal member Indian, Tribal Attorney for the
14 Duckwater Shoshone Tribe, who is being sued in his official capacity and as
an individual, (ECF No. 6, 6:16-18)

15 13. That acting as the Duckwater Shoshone Tribe's Attorney, Defendant
16 Ambler filed in the Duckwater Shoshone Tribal court, an Emergency Civil
17 Complaint against the Plaintiffs, marked Exhibit J, attached hereto and incorporated
herein; Id. at 10:5-8.

18 14. That a tribes' attorney, cannot ethically use his position to defendant or
19 prosecute selected Duckwater Shoshone Tribal Councilmembers (sic) against one
20 another and/or individual political opponents of Defendants Mike, Adams-
Blackeye, Pete, Wright, Honaker and Does I-X, and most specifically cannot file
an action in tribal court wherein the tribal court lacks subject matter jurisdiction:
per Judge Daniel Ward's letter; Id. at 10:9-16.

21 18. That Defendant Ambler was also given authority by Defendant Mike, per
22 Duckwater Shoshone Tribal Resolution No. 2017-D-22, to serve as their counsel; Id.
at 6, 11:8-9.

23 31. That on February 6, 2018, Defendants Amber (sic) and Wright colluded to
24 author and file a Motion for Clarification, marked Exhibit AA, attached hereto and
25 incorporated herein, resulting in an order, Marked Exhibit AB, attached hereto and
incorporated herein, Defendant Wright illegally, without a hearing, without notice,

27 ⁴ Defendants have presented Plaintiffs' allegations and are not conceding that the allegations
28 are correct.

1 without the opportunity for Plaintiffs to respond, issued a new order against them;
2 Id. at 14:11-17.

3 62. That Defendants . . . Ambler . . . have sought to deny the Plaintiffs their right
4 to due process by forming a political machine, using the Duckwater Tribal Court to
5 carry forth illegal processes, without proper authorization for Wright to act as a
6 Duckwater Tribal Court Judge, Defendant Ambler colluding with Defendant Wright
7 to carry forth directions of Defendant Mike, by Defendant Ward allowing for
8 Defendant Wright to illegal assume the Duckwater Shoshone Tribal Court bench and
9 conduct illegal judicial processes; Id. at 21:28-22:7.

10 These allegations against Ambler simply do not give rise to any of the causes of
11 actions filed by Plaintiffs. These facts alleged by Plaintiffs simply fail to state any claim,
12 including a valid ICRA claim, against Ambler and he and the claims should be dismissed
13 from this lawsuit.

14 **Conclusion**

15 For the reasons presented, including that this Court lacks subject matter jurisdiction,
16 that there has been a lack of service of process, that there is a lack of personal jurisdiction,
17 that Plaintiffs filed in the wrong venue, that Plaintiffs have failed to state a claim upon
18 which relief may be granted, and that Defendants have immunity, this matter against
19 Defendants must be dismissed with prejudice.

20 Dated this 19th day of July, 2018.

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 Brian Morris, Esq.

CERTIFICATE OF SERVICE

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I certify that on the 19th day of July, 2018, I caused the foregoing document to be delivered via U.S. mail to:

Perline Thompson
527 Diamond Street
Duckwater, Nevada 89314

Lisa George
527 Diamond Street
Duckwater, Nevada 89314


Alfreda Walker
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