

1 Perline Thompson, Lisa George,
2 Alfreda Walker, Jacqueline Hodson,
3 Lorin Watson, Boyd Graham and Gonnie Mendez;
4 PRO PER
5 527 Diamond Street
6 Duckwater, Nevada 89314

7 **IN THE UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9 PERLINE THOMPSON, LISA GEORGE,
10 ALFREDA WALKER, JACQUELINE
11 HODSON, LORIN WATSON, BOYD
12 GRAHAM, AND GONNIE MENDEZ, and
13 DOES I-X,

14 Plaintiffs,

15 v.

16 UNITED STATES OF AMERICA ex rel. THE
17 DEPARTMENT OF THE INTERIOR,
18 BUREAU OF INDIAN AFFAIRS,
19 WESTERN NEVADA AGENCY,
20 SUPERINTENDENT, THE EMPLOYEES,
21 CONTRACTOR AND AGENTS OF THE
22 WESTERN NEVADA AGENCY OF THE
23 BUREAU OF INDIAN AFFAIRS, EASTERN
24 NEVADA AGENCY SUPERINTENDENT,
25 PHOENIX AREA DIRECTOR,
26 INTERTRIBAL COUNCIL OF NEVADA,
27 DARYL CRAWFORD, EXECUTIVE
28 DIRECTOR OF INTERTRIBAL COUNCIL
OF NEVADA, GABRIELLA RUIZ, CLERK
OF COURT OF THE INTERTRIBAL COURT
OF APPEALS AT INTERTRIBAL COUNCIL
OF NEVADA, RODNEY MIKE, KATHY
ADAMS-BLACKEYE, LILI ANN PETE,
ALLEN AMBLER, KEITH HONAKER,
MITCHELL C. WRIGHT, DANIEL P. WARD,
AND DOES 1-X,

Defendants.

Case No.: 3:18-cv-00147

**COMPLAINT FOR INJUNCTIVE
AND DECLARATORY RELIEF
THAT THE UNITED STATES
DEPARTMENT OF THE
INTERIOR, BUREAU OF INDIAN
AFFAIRS HAS VIOLATED THE
ADMINISTRATIVE PROCEDURE
ACT**

1 COMES NOW, *PERLINE THOMPSON, LISA GEORGE, ALFREDA WALKER,*
2 *JACQUELINE HODSON, LORIN WATSON, BOYD GRAHAM AND GONNIE MENDEZ, and*
3 *DOES I-X*, assisted by their tribal court advocate, Ivy Wright-Bryan, hereinafter to be referred to
4 collectively as “Plaintiffs,” unless identified specifically as individuals, does hereby submit their
5 COMPLAINT FOR INJUNCTIVE RELIEVE AND DECARATORY RELIEF THAT THE
6 UNITED STATES
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8 **STATEMENT OF THE CASE**

9 This action is initiated to stop the United States through the Department of the Interior,
10 Bureau of Indian Affairs from interfering with the judicial processes and election activities of
11 the Duckwater Shoshone Tribe on its own lands.

12 It is further brought to obtain a declaratory judgment that the United States has abused its
13 discretion by not recognizing the entire elected tribal council, recognizing and advising as final
14 draft ordinance, supported illegal activities by Chairman Rodney Mike, Tribal Councilmembers
15 Kathy-Adams Blackeye and Lili Ann Pete, Allen Amber as Tribal Attorney of the Duckwater
16 Tribal Council and Mitchell Wright, who is illegally acting as judge, by calling and holding
17 Duckwater Shoshone Tribal Court sessions outside of the exterior boundaries of the Duckwater
18 Shoshone Indian Reservation, with the assistance of Brook Kelly, Duckwater Shoshone Tribal
19 Clerk of Court.

20 That the Defendant Keith Honaker has acted illegally, together with Defendant Adams
21 Blackeye, by violating the “secret ballot” clause by requiring public voting take place in the
22 payroll office of the Duckwater Shoshone Tribe, under the supervision of Defendant Adams-
23 Blackeye, as acting Finance Director. Staff and the public were allowed to walk in and out, stand
24 nearby while votes were made whereby taking away the confidentiality of the vote. Requiring
25 voters to vote under such circumstances was made upon direction from Defendant Ambler,
26 Mike, Adams-Blackeye and Pete. That though this action, the Duckwater Shoshone tribal
27 government, under the trust of the United States, has denied Plaintiffs and the Duckwater
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1 Shoshone eligible voters the right to vote. Under the direction of Defendant Mike, Adams-
2 Blackeye and Pete, Duckwater Shoshone Tribal members were denied the right to have a general
3 election of Adams Blackeye's council seat in December; it was moved to February 2018.
4 Duckwater Shoshone Tribal Members have been denied the right to recall several times by
5 Defendant Mike, Adams-Blackeye, Pete, Honaker and Wright. Further, that Defendant Honaker
6 has used his office and as an individual to intimidate and harass Plaintiffs for exercising their
7 right to peaceful assembly.

8 Further, it is further brought to obtain a declaratory judgement that the United States has
9 abused its discretion by allowing Mitchell Wright to call and hold outside of the Duckwater
10 Shoshone Tribal jurisdiction, through collusion with the Tribe's Attorney, Allen Ambler to
11 incarcerate political opposers of the Chairman Rodney Mike regime. That the United States has
12 allowed for not only the illegal incarceration of Chairman Rodney Mike's political opposition,
13 but has also denied the eligible voting population of the Duckwater Shoshone Tribe the right to
14 recall and the right to vote and has corrupted the Duckwater Shoshone Tribal Court by allowing
15 tribal court hearings against the Plaintiffs without notice and subjecting them to cruel and
16 unusual punishment. That through the illegal interference by Mitchell Wright, acting as tribal
17 judge of the of the Duckwater Shoshone Tribal Council, without authorization and being
18 excluded from the Duckwater Shoshone Indian Reservation, wherein such court lacks subject
19 matter jurisdiction over the election process, the prohibition of the administration of the Oath of
20 Office to Plaintiff Lisa George has occurred and is continuing to occur.

21 That further still, it is brought to obtain a declaratory judgement that the United States
22 has abused its discretion by allowing the violation of the Plaintiffs' right to appeal grievances by
23 stopping the filing of the Plaintiffs' appellate court action in the Intertribal Court of Appeals at
24 Intertribal Council of Nevada, through advisement of Darryl Crawford, Executive Director
25 thereof, through directives given by Robert. J. Eben, hereinafter referred to as "RJ
26 Eben," Western Agency Superintendent of the US Bureau of Indian Affairs, without notice to
27 any tribes, and not the Plaintiffs on the date of their attempted filing of their appeal and though
28 underfunding of the Intertribal Court of Appeals by the US Department of the Interior Bureau of

1 Indian Affairs. That the Intertribal Court of Appeals office days and hours are Tuesdays and
2 Thursdays from noon to 2:00 p.m. on each day. That the United States has abused its discretion
3 in recognizing and condoning illegal activities by Defendants whereby violating the Plaintiffs'
4 rights as guaranteed by the Indian Civil Rights Act of 1968: due process, redress of grievance,
5 equal protection, freedom of speech, freedom of assembly, issuance of illegal warrants, infliction
6 of cruel and unusual punishment, and denial of trial.

7 Lastly, the Plaintiffs seek a finding and declaration that Duckwater Shoshone Tribal
8 Ordinance Number 83-D-01 is not a final legal document and has been inappropriately finalized
9 by BIA, whereby allowing for a domino effect political disorder that has fueled tribal unrest and
10 fostered and supports illegal activity by Defendants. That the United States failed in its
11 responsibility to ensure that changes made to the Duckwater Shoshone Tribal Constitution were
12 legal though a Secretarial election; and subsequently, per Eastern Agency Superintendent
13 McDade, erroneously stating, that the ordinance was legal. Also the Ordinance was in 1983, and
14 as per Duckwater Shoshone Tribe's Constitution, all resolutions and ordinances during that time
15 had to be approved by Sectary of Interior, it wasn't till early 1990's that the Bureau of Indian
16 Affairs no longer required its approval of tribal all resolutions and ordinances; but, the
17 Duckwater Shoshone Tribe's Constitution, Exhibit A, marked, attached and incorporated
18 therein, has never been revised to recognize the change. That the United States failure to take
19 appropriate action on the illegal Ordinance 83-D-01 and recognizing an illegal tribal council,
20 comprised of Defendants Mike, Adams-Blackeye, Pete and Plaintiffs Thompson and Watson, is
21 capricious and an abuse of discretion.

22 JURISDICTION

- 23 1. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. 1296,
24 1331 and 1346 and 5 U.S.C. § 701 et seq. and 5 U.S.C. § 177 et seq.
- 25 2. The venue of this action is properly placed in the District of Nevada pursuant to 28 U.S.C.
26 1391 because the incidents that gave rise to this claim occurred in Duckwater Shoshone
27 Indian Reservation, a Federally Recognized Tribe under the Indian Reorganization Act of
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1 1934, Duckwater, in the State of Nevada and whatever acts occurred in Phoenix, Arizona,
2 and only had effect in the State of Nevada.

3 **PARTIES**

- 4 1. The United States of America has a trust relationship with the Native American Tribes
5 within its political boundaries and borders which it manages through the Department of
6 the Interior, Bureau of Indian Affairs.
- 7 2. The Department of the Interior is an executive agency of the United States.
- 8 3. The Bureau of Indian Affairs is a division within the Department of the Interior.
- 9 4. The Superintendent of the Western Nevada Agency of the Bureau of Indian Affairs is
10 located in Carson City, Nevada, and has authority to manage the trust responsibility to the
11 Intertribal Court of Appeals, located at Intertribal Council of Nevada, Reno, Nevada on
12 behalf of the United States. The employees, contractors and agents of the Superintendent
13 include Intertribal Council of Nevada.
- 14 5. The Superintendent of the Eastern Nevada Agency of the Bureau of Indian Affairs is located
15 in Elko, Nevada and has authority to manage the trust responsibility to the Duckwater
16 Shoshone Indian Tribe, located in Duckwater, State of Nevada on behalf of the United
17 States. The employees, contractors and agents of the Superintendent include police who
18 have patrolled the Duckwater Shoshone Indian Reservation.
- 19 6. That the Regional Office of the United States Department of the Interior, Bureau of Indian
20 Affairs, who has the authority to manage the trust responsibility to the Duckwater
21 Shoshone Indian Tribe, located in Duckwater, State of Nevada, on behalf of the United
22 States, is located in Phoenix, Arizona.
- 23 7. That the Intertribal Council of Nevada, located in Reno, Nevada, serves the Nevada
24 Tribes, as funded by the Western Agency of the United States Department of the Interior,
25 Bureau of Indian Affairs by administering the Intertribal Court of Appeals;
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- 8. That the Executive Director of the Intertribal Council of Nevada, Daryl Crawford, is responsible for the supervision of the day to day administration of the Intertribal Court of Appeals, including the supervision of the Intertribal Court of Appeals Clerk of Court, Gabriella Ruiz;**
- 9. Rodney Mike is the sitting elected Chairman of the Duckwater Shoshone Tribe, as part of Wrights orders he was able to remain chairman, on July 1, 2017 he and Adams-Blackeye were recalled, and is being sued in his official capacity and as an individual;**
- 10. Kathy Adams- Blackeye is the current Acting Director of Finance and former Duckwater Shoshone Tribal Councilmember and is being sued in her official capacity for her actions while on the Duckwater Shoshone Tribal Council, as an employee of the Duckwater Shoshone Tribe, Duckwater Shoshone Tribal Councilmember and individual;**
- 11. Lili Ann Pete is a former Duckwater Tribal Councilmember is being sued in her official capacity for her actions while on the Duckwater Shoshone Tribal Council;**
- 12. Allen Ambler is a non-tribal member Indian, Tribal Attorney for the Duckwater Shoshone Tribe, who is being sued in his official capacity and as an individual,**
- 13. Keith Honaker is the current Acting Tribal Manager for the Duckwater Shoshone Tribe and is being sued in his official capacity as an employee of the Duckwater Shoshone Tribe;**
- 14. Mitchell C. Wright is an attorney and member of the State Bar of the State of Nevada, is acting in the capacity of an Associate Judge of the Duckwater Shoshone Tribal Court, without authorization from the Duckwater Shoshone Tribal Council, is an excluded person from the Duckwater Shoshone Indian Reservation, by the Duckwater Shoshone Tribal Council, and is being sued as an individual;**

1 have ensued; but it had not and has not occurred. Further, Duckwater Shoshone Tribal
2 Members have submitted letters to the Defendant United States,
3 through the Defendant Bureau of Indian Affairs, Eastern Agency, to Defendant
4 McDade, all unanswered, marked Exhibit D, attached and incorporated herein.

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- 6 4. That the Duckwater Shoshone Tribal Council did vote and approve the draft Recall
7 Ordinance as a final ordinance, enumerating it as Ordinance No. 83-D-01, marked
8 Exhibit B, attached hereto and incorporated herein, on January 8, 1983;
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- 10 5. That the Plaintiffs contend that the Recall Ordinance is invalid, as the required
11 Secretarial vote was never conducted, as per the requirement, therefore, the process for
12 approval is incomplete.
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- 14 6. Further, that Duckwater Shoshone Tribal Ordinance No. 83-D-01 was already assigned
15 to an Education Ordinance, marked Exhibit E, attached hereto and incorporated herein.
16 That the addressing of the issue of Ordinance No. 83-D-01, language pertaining to the
17 ordinance was included in the Education Ordinance;
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- 19 7. That a letter dated June 13, 2017, from Superintendent of the Eastern Nevada Agency
20 of the United States Department of the Interior, Bureau of Indian Affairs, Defendant
21 Joseph McDade, marked Exhibit F, attached hereto and incorporated herein, errs in
22 stating that, "...recall ordinance does not appear to be an item in the Tribe's
23 constitution that requires a Secretarial review and approval..." The error is that,
24 because recall provisions in the Duckwater Shoshone tribe's Constitution state the
25 figure of "one-third" and that the revision sought to only state "30%"—indeed changes
26 the Duckwater Shoshone Tribe's Constitution and requires a Secretarial vote;
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- 28 8. That on June 5, 2017, according to the Duckwater Shoshone Tribal Council meeting

1 minutes of the date, marked Exhibit G, attached hereto and incorporated herein,
2 pursuant to the Constitution of the Duckwater Shoshone Tribe, a recall petition,
3 marked Exhibit H, attached hereto and incorporated herein, was duly submitted to the
4 Duckwater Shoshone Tribal Council to recall sitting Duckwater Shoshone Tribal
5 Council members Defendants Mike and Adams-Blackeye;

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7 9. That to combat political opposition, Defendant Mike, as Chairman of the Duckwater
8 Shoshone Tribal Council, Defendant Adams-Blackeye, and Defendant Pete, as
9 Secretary of the Duckwater Shoshone Tribal Council, within their official capacities
10 based upon personal political opposition, refused to lawfully process the recall petition,
11 as Defendant Mike challenged the validity of the recall petition by citing the Recall
12 Ordinance, Exhibit B, and stated, "in his opinion" the recall petitioners were invalid
13 because they did not follow the recall ordinance. There is no mention in the Duckwater
14 Shoshone Tribal minutes, Exhibit G, as to how the validity of the recall petition was
15 being determined, other than by Defendant Mike's "opinion." Although, in later
16 debate about the validity, Defendant Mike conceded that the recall petitions ere valid.

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19 10. Also, at the Duckwater Shoshone Tribal Council meeting on June 5, 2017, a duly
20 noticed meeting, the Duckwater Shoshone Tribal Council, as a whole unit, decided to
21 move forward with the recall procedures, Defendant Adams-Blackeye, as Vice-
22 Chairman of the Duckwater Shoshone Tribal Council, made the motion to have the
23 recall election on July 1, 2017. A challenge was made as to whether Defendant Adams-
24 Blackeye could ethically make the motion, as she was subject to the recall, per the
25 petition for recall, Exhibit G.

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27 11. On July 1, 2017, the Duckwater Shoshone Tribal Council issued a referendum of the
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1 Recall Ordinance, invalidating the Ordinance, marked Exhibit I attached hereto and
2 incorporated herein;

3 12. On July 14, 2017, the Duckwater Shoshone Tribal council convened at a duly noticed
4 special meeting to certify the referendum election and the recall;

5 13. That acting as the Duckwater Shoshone Tribe's Attorney, Defendant Ambler filed in
6 the Duckwater Shoshone Tribal court, an Emergency Civil Complaint against the
7 Plaintiffs, marked Exhibit J, attached hereto and incorporated herein;

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

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

20 16. That the Plaintiffs began to seek legal counsel and contacted Defendant Mitchell C.
21 Wright to defend their interests and entered into an agreement with him to represent
22 them in the Duckwater Shoshone Tribal Court—after fully discussing their case;

23 17. Ignoring Judge Ward's direction, Defendant Mike "judge-shopped" and procured a
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1 contract with Defendant Wright, at attorney admitted to the State Bar of Nevada,
2 through Duckwater Tribal Resolution 2017-D-23, marked Exhibit L and attached
3 hereto and incorporated herein. That it is through Resolution 2017-D-23 that Defendant
4 Wright came to preside over the case against the Plaintiffs Thompson and Watson,
5 marked Exhibit M, attached hereto and incorporated herein. It was later that Plaintiffs
6 Hodson, Walker, George, Mendez and Graham were included in the case;
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8 18. That Defendant Ambler was also given authority by Defendant Mike, per Duckwater
9 Shoshone Tribal Resolution No. 2017-D-22, to serve as their counsel;

10 19. That the Duckwater Tribal Council gave no authority for Defendant Wright to act as a
11 Duckwater Shoshone Tribal Court judge and immediately issued documentation,
12 marked Exhibit N, attached hereto and incorporated herein, to Defendant Wright
13 stating such, to which Defendant Wright ignored and continued to act unauthorized;
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15 20. That the Duckwater Tribal Council approved and passed Resolution NO. 2017-D-39,
16 marked Exhibit O, attached hereto and incorporated herein, excluding Defendant
17 Wright from the Duckwater Shoshone Indian Reservation;
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19 21. That on October 18, 2018, Defendants Mike, Adams-Blackeye and Pete, at an
20 unnoticed and illegal Duckwater Shoshone Tribal Council Meeting, at the ho me of
21 Defendant Adams-Blackeye, signed Resolution No. 2017-D-40, marked Exhibit P,
22 attached hereto and incorporated herein, specifically naming Plaintiffs Watson,
23 Thompson, Graham. George and Hodson, and stating that Resolution No. 2017-D-39
24 was invalid and illegally “restored” Defendant Wright’s authority;
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26 22. That since October 20, 2017, Defendant Wright has not physically appeared on the
27 Duckwater Shoshone Indian Reservation to conduct tribal court hearings, he appears
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1 telephonically, or not at all, for unnoticed Duckwater Shoshone Tribal Court sessions
2 and issues orders accordingly, with or without a court clerk;

3 23. That August 4, 2017 and September 28, 2017, Defendant Wright issued orders, marked
4 Exhibit R, attached hereto and incorporated herein. Then on October 30, 2017,
5 Defendant Wright ordered, marked Exhibit S, attached and incorporated herein, again
6 acting with authorization from the Duckwater Shoshone Tribal council, pertaining to
7 the orders issued on August 4, 2017 and September 28, 2017, made a finding of
8 “Direct Contempt of Court,” without a hearing, against the Plaintiffs and issued arrest
9 warrants against them;
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11 24. There inappropriate intervention, on October 10, 2017, Defendant United States of
12 America through Defendant Eastern Agency, through Defendant McDade, issued a
13 letter, marked Exhibit Q, attached and incorporated herein, recognizing an illegitimate
14 Duckwater Shoshone Tribal Council, wherein he did not consider the recall of
15 Defendants Mike and Adams-Blackeye and the lawful removal of Defendant Pete. It is
16 with this documentation that Defendants Mike, Adams-Blackeye and Pete took control
17 of the Tribe’s bank accounts;
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19 25. On January 8, 2018, in a telephonic session of the Duckwater Shoshone Tribal Court,
20 Defendant Wright conducted a tribal court hearing to address Chief of Police Smart, a
21 Bureau of Indian Affairs officer from the Eastern Agency, as to why he had not served
22 the arrest warrants that he issued against the Plaintiffs. In the official transcripts from
23 that hearing, as written by Clerk of Court, Brook Kelly, marked Exhibit T, attached and
24 incorporated herein, pages 6-12, Chief Smart explains that he had delivered, for review,
25 the warrants to the U.S. Solicitors Office; who advised Chief Smart to not deliver the
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1 warrants;

2 26. That the Duckwater Shoshone Tribal Law Enforcement officers who did not serve the
3 warrants upon the Plaintiffs were retaliated against by Defendants Mike, Adams-
4 Blackeye and Pete, by issuing a letter, signed by Defendant Mike, marked Exhibit U,
5 attached hereto and incorporated herein, terminating the employment of Duckwater
6 Shoshone Tribal Law Enforcement Officers Janey Blackeye-Bryan, Antone Mendes
7 and Christian Martinez, marked Exhibit U, attached hereto and incorporated herein;
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9 27. That on July 12, 2017, Plaintiff Thompson was terminated, marked Exhibit V, attached
10 hereto and incorporated herein, in retaliation for her voiced opposition to the
11 Defendants Mike, Adams-Blackeye and Pete political machine;
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13 28. That on November 28, 2017, upon erroneous advice by Duckwater Shoshone Tribal
14 Court Clerk, Plaintiff Thompson, on behalf of Plaintiffs, submitted her Notice of
15 Appeal, marked Exhibit W, attached hereto and incorporated herein. That Defendants
16 used the Duckwater Shoshone Tribal Court to deny the Plaintiffs their right to appeal,
17 as guaranteed by the *Indian Civil Rights Act of 1968*, by failing to process Plaintiff
18 Thompson's appeal as per the Duckwater Shoshone Tribal Law & Order Code,
19 specifically failing to prepare the court's record and submitting the case to the
20 Intertribal Court of Appeals, as administered by Defendant Intertribal Council of
21 Nevada, through specified funding provided by Defendant United States;
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23 29. On January 29, 2018, Defendant Adams-Blackeye made a motion to waive the
24 Duckwater Shoshone Tribe's hiring policy, wherein Defendant Honaker would be
25 allowed to hire two police officers. Defendant Pete seconded the motion. The motion
26 passed with 4 in favor and 1 against, marked Exhibit X, attached hereto and
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1 incorporated herein. And on February 7, 2018, the two individuals hired by Defendant
2 Honaker were sworn in. That through waiving the proper hiring process, specifically
3 not requiring background checks, Defendants Mike and Defendants Does I-X, violated
4 Federal Law, P.L. 101-630, marked Exhibit Y, attached and incorporated herein;
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6 30. That on February 7, 2018, the Duckwater Shoshone local tribal community voiced
7 opposition at the duly called Duckwater Shoshone Tribal Council meeting, agenda
8 marked Exhibit Z, attached and incorporated herein, to allow the illegally hired officers
9 to carry weapons without the background check and still be allowed to patrol the
10 community in violation of P.L. 101-630;

11 31. That on February 6, 2018, Defendants Amber and Wright colluded to author and file a
12 Motion for Clarification, marked Exhibit AA, attached hereto and incorporated herein,
13 resulting in an order, Marked Exhibit AB, attached hereto and incorporated herein,
14 Defendant Wright illegally, without a hearing, without notice, without the opportunity
15 for Plaintiffs to respond, issued a new order against them;
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17 32. That upon pressure by the Duckwater Shoshone tribal community, Defendant Mike
18 scheduled a date for the Recall Election: election to be held on February 7, 2018;

19 33. That upon Defendant Mike's direction, per Defendant Wright's order, called off the
20 election, marked Exhibit AC, attached and incorporated herein;
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22 34. That Defendants Mike, Adams-Blackeye, Pete and Honaker colluded as an official
23 governmental body to infringe upon the voting rights of the Duckwater Shoshone
24 Tribe's eligible voters and the Plaintiffs;
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26 35. That on February 17, 2018, a regular election was held to fill the seat of Defendant
27 Adams-Blackeye. The Duckwater Shoshone tribal voters duly elected Plaintiff George.
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1 That since being elected, and the election certified by the Duckwater Shoshone Tribal
2 Council, George has been denied the issuance of her Oath of Office by Defendant Mike
3 and Honaker, to restrict her from taking her seat on the Duckwater Shoshone Tribal
4 Council and her dedication to address the wrong-doing and denial of membership
5 rights, not only those of the Plaintiffs, but the entire Duckwater Shoshone tribal
6 membership.
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8 36. On March 5, 2018, allegedly, the illegally hired Duckwater Shoshone Tribal Law
9 Enforcement officers received their background checks, marked Exhibit AD, attached
10 hereto and incorporated herein and without delay, at the direction of Defendants Mike,
11 Adams-Blackeye and Honaker, arrested Plaintiffs Thompson, Walker, George and
12 Hodson;
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14 37. That in transport, the law enforcement officers endangered the arrested female
15 Plaintiffs by not performing a required search by a female officer for contraband or
16 weapons. Defendant Honaker required the Clerk of the Duckwater Shoshone Tribal
17 Court, Brook Kelly, to act as a law enforcement officer, and ride in the back seat of the
18 police vehicle with one of the arrested Plaintiffs. Further, while law enforcement
19 officers sat in the front seat, they joked and laughed with arrestees, stopped to allow for
20 urination and smoked cigarettes with the arrestees;
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22 38. That the Plaintiffs were held without bail, without a scheduled court date and without
23 judicial recourse. On March 15, 2018, Defendant Wright telephoned the Eureka
24 County Detention Center, in Eureka, Nevada, outside of the physical jurisdiction of the
25 Duckwater Shoshone Tribal Court, and held an "official" Duckwater Shoshone Tribal
26 Court session, without notifying the Duckwater Shoshone Tribal Court, without the
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1 knowledge or inclusion of the Duckwater Shoshone Tribal Court Clerk, Brook Kelly
2 and as the Plaintiffs requested their legal counsel, Defendant Wright denied their
3 request. It is at this “hearing” that Defendant Wright sought to incarcerate the Plaintiffs
4 long term.

5 39. That the contractual agreement with Eureka County Detention Center and the
6 Duckwater Shoshone Tribe prohibited the sought after long-term incarceration, as it
7 prohibited detainees to be held more than 48-hours. Only Plaintiff Thompson was held
8 over 48-hours, in violation of the contractual agreement;

9 40. On March 15, 2018, again without hearing, without notice of a hearing, without the
10 knowledge or participation of the Duckwater Shoshone Tribal court or court clerk,
11 again outside of the jurisdiction of the Duckwater Shoshone Tribal Court, Defendant
12 Wright issued a Modified Order, marked Exhibit AE, attached hereto and incorporated
13 herein, to which the Plaintiffs again attempted, on March 16, 2018, to file an appeal:
14 First Amended Notice of Appeal, Motion for Stay Pending Appeal and Emergency
15 Release From Incarceration, document hereinafter to be referred to as “First Amended
16 Notice of Appeal,” marked Exhibit AF, attached hereto and incorporated herein. The
17 First Amended Notice of Appeal was sent to Defendant Gabriella Ruiz, Clerk of Court
18 for the Intertribal Court of Appeals, via email, which is an accepted form of delivery
19 for the Intertribal Court of Appeals;

20 41. That numerous attempts to contact Defendant Ruiz were made by Ivy Wright-Bryan,
21 tribal court advocate for the Plaintiffs, from March 16, 19 and 20, 2018, to no avail. On
22 March 19, 2018, Defendant Intertribal Council of Nevada, through their receptionist,
23 notified Ivy Wright-Bryan that Defendant Ruiz was only at work on Tuesdays and
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1 Thursdays from 12:00 p.m. to 2:00 p.m., as per the direction from Defendant Crawford.
2 Further, the receptionist stated that the Defendant United States, through the Defendant
3 Bureau of Indian Affairs Western Agency in Carson City, did not adequately fund the
4 Intertribal Court of Appeals and that is the reason for the limited operational hours of
5 the Intertribal Court of Appeals;
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7 42. That on March 20, 2018, Defendant Ruiz was contacted by Ivy Wright-Bryan to check
8 on the status of the First Amended Notice of Appeal, and it was discovered at that time,
9 that Defendant had not checked her email, it was already approximately 1:00 p.m., for
10 the document. While on the phone with Ivy Wright-Bryan, Defendant Ruiz access the
11 First Amended Notice of Appeal, began downloading the exhibits attached thereto and
12 assured Ivy Wright-Bryan that she would deliver the document to “the judge” –even
13 though “he doesn’t like that.” At approximately 2:00 p.m., having not heard back from
14 Defendant Ruiz about delivery or order, Ivy Wright-Bryan called Defendant Intertribal
15 Council of Nevada to only be told that Defendant Ruiz was already gone for the day;
16 apparently not processing the First Amended Notice of Appeal;
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19 43. That on March 22, 2018, Plaintiffs Thompson, Walker, Hodson and George, delivering
20 the originally signed First Amended Notice of Appeal for filing with Defendant Ruiz,
21 met with Defendant Crawford. It was at this meeting that Defendant Crawford stated
22 that the Intertribal Court of Appeals, as per the directives of the Defendants United
23 States, through Western Agency and Eben would not accept the Plaintiffs’ appeal, as
24 Defendants United States, through Western Agency and Eben did not approve funds at
25 a rate that would allow for administration for the Intertribal Court of Appeals; in that
26 Defendant Crawford has requested a budget of \$70,000 (Seventy Thousand Dollars)
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1 and was only granted \$17,000 (Seventeen Thousand Dollars) for FY2018. Further
2 Defendant Crawford stated that Defendant McDade, representing Defendant United
3 States, failed to make payments toward the administration costs of the Intertribal Court
4 of Appeals;

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6 44. That on March 22, 2018, Defendant Crawford told Plaintiffs Thompson, Walker,
7 George and Hodson that Defendant Ruiz was concerned about the violation of their
8 civil rights—it is here when it was discovered that Defendant Ruiz did not process or
9 send the Plaintiffs' appeal documents to the judiciary, as she had said she would;

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11 45. That Defendant Crawford, in front of Plaintiffs Thompson, Walker, George and
12 Hodson, processed employment leave documents for Defendant Ruiz, which action
13 ensured that there would not be staff at the Intertribal Court of Appeals to process any
14 filings or to answer questions;

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16 46. That Defendant Crawford further inhibited and denied the Plaintiffs right to appellate
17 relief by directing them to file their appellate documents with Southern Plains Code of
18 Federal Regulations (CFR) Court in Andarko, Oklahoma—which direction was
19 incorrect;

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21 47. That on March 26, 2018, the Plaintiffs filed their Second Amended Notice of Appeal,
22 Motion for Immediate Stay Pending Appeal, and Emergency Request for Release from
23 Incarceration via email to Southern Plains Code of Federal Regulations;

24
25 48. That the filing of the appeal document with Southern Plains CFR, in response to
26 telephonic inquiry by Plaintiff George, represented that the appeal was not accepted as
27 the jurisdiction of their court did not include appeals from Duckwater Shoshone Tribal
28 Court. Subsequently, Plaintiff George was referred to Phoenix Area Office, Clerk of

1 Court Kerri-Ann Quartz;

2 49. That Ivy Wright-Bryan contacted, by means of email and telephone call, Ms. Quartz
3 and asked where is the proper venue for the Plaintiff to file their appeal; to which Ms.
4 Quartz answered the Intertribal Court of Appeals in Reno, Nevada is the proper place
5 for the appeal. Ivy Wright-Bryan informed Ms. Quartz that Defendant Intertribal
6 Council of Nevada, through Defendant Crawford and Ruiz, as per direction from
7 Defendants United States, Western Agency and Eben, that Eastern Nevada Tribes
8 appeals would not be heard at Intertribal Court of Appeals;

9
10 50. That on or about March 27, 2018, Defendant Crawford issued a response to the
11 Defendant United States in relation to his direction to not accept appellate documents
12 from the Eastern Nevada Tribes. On or about March 27, 2018, Ivy Wright-Bryan
13 emailed Defendant Crawford in attempt gain information on where to properly file the
14 Plaintiff's appeal, marked Exhibit AG, attached and incorporated herein;

15
16 51. On March 28, 2018, Plaintiffs received from the Duckwater Shoshone Tribal Court, a
17 Summons and Notice of Hearing, marked Exhibit AI, attached hereto and incorporated
18 herein, without an attached complaint. Upon inquiry as to the absence of a complaint
19 attachment, or other documentation, it was explained by the Duckwater Shoshone
20 Tribal Court Clerk that the hearing was being called to discuss the Plaintiffs' release.
21 The Court Clerk further communicated that she received direction from Defendant
22 Ruiz, that the Plaintiffs documents would not be accepted at the Intertribal Court of
23 Appeal and that she was trying to find a court that would. Plaintiff requested written
24 verification of this directive from Defendant Ruiz, to which Court Clerk provided an
25 email of the status of the Intertribal Court of Appeals, marked Exhibit AJ; and
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1 52. Lastly, that Defendants Mike, Adams-Blackeye and Pete have slandered and
2 committed libel against the Plaintiffs and Duckwater Shoshone Tribal Employees and
3 Tribal Members, marked Exhibit AK attached hereto and incorporated herein.

4 **FIRST CLAIM OF RELIEF**

5 **(The Plaintiffs are adversely affected**

6 **By the failure to act by the BIA and by the BIA issuing an arbitrary decision regarding the**
7 **approval of a draft copy of Ordinance 83-D-01.)**

8
9 53. Plaintiffs incorporate all paragraphs of this complaint by reference as if fully set out
10 herein.

11 54. The United States of America has a duty to protect the guaranteed rights, pursuant to
12 the Indian Civil Rights Act of 1968, wherein they are to provide certain wardship trust
13 oversight of tribal legislation enacted prior to the early 1990's.

14 55. The Defendant Superintendent of Eastern Agency has failed and refused to respond to
15 the urgent request for action to address absence of a Secretarial Election to complete
16 the process for establishment of legal tribal legislation, particularly the Recall
17 Ordinance. In fact, without due diligence in researching the proper tribal process,
18 Defendant Superintendent of the Eastern Agency, as and continues to erroneous advice
19 that the Recall Ordinance is legal;

20 56. The failure of the BIA to conduct due diligence by ensuring that the Recall Ordinance
21 is legal, inclusion of recognizing the requirement of a Secretarial Election to change the
22 Duckwater Shoshone Tribal Constitution, is arbitrary and capricious.
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Second Claim for Relief

1 **Violation of the Plaintiffs' Civil Rights as per the Indian Civil Rights Act of 1968 re: Due**
2 **Process, Equal Protection and Appeal)**

3 57. Plaintiffs incorporate all paragraphs of this complaint by reference as if fully set out
4 herein.

5 58. The United States of America has a duty to protect the guaranteed rights, pursuant to
6 the Indian Civil Rights Act of 1968, wherein they are to provide certain wardship trust
7 programs to Native American Tribes and members of federally recognized tribes,
8 specifically the right to appeal their grievances.

9 59. That the Defendant United States, though Defendant Western Agency, Eben, McDade,
10 Intertribal Council of Nevada, Crawford and Ruiz, have denied the Plaintiffs a venue to
11 which they may properly file their appeal by withholding funding for the Intertribal
12 Court of Appeals, Reno, Nevada.

13 60. That the actions of the Defendants United States, Western Agency, Eben, McDade,
14 Intertribal Council of Nevada, have affected the Plaintiffs by denying them the basic
15 right to due process, equal protection, and right to appeal their grievances, named
16 Defendants must allow the filing of proper appellate documents in the Intertribal Court
17 of Appeals.
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21 **Second Claim for Relief**

22 **(Violation of the Plaintiff's Civil Rights as per the Indian Civil Rights Act of 1968 re:**
23

24 **Due Process, Cruel and Unusual Punishment and Equal Protection)**

25 61. That the Plaintiffs incorporate all paragraphs of this complaint by reference as if fully
26 set out herein

27 62. That Defendants Mike, Adams Blackeye, Pete, Honaker, Ward, Wright, Kelly and
28

1 Ambler have sought to deny the Plaintiffs their right to due process by forming a
2 political machine, using the Duckwater Tribal Court to carry forth illegal processes,
3 without proper authorization for Wright to act as a Duckwater Tribal Court Judge,
4 Defendant Ambler colluding with Defendant Wright to carry forth directions of
5 Defendant Mike, by Defendant Ward allowing for Defendant Wright to illegal assume
6 the Duckwater Shoshone Tribal Court bench and conduct illegal judicial processes;
7

8 **63.** That through direction of Defendant Wright, Defendant Kelly has colluded to
9 improperly conduct the Clerk of Court's office as to deny the Plaintiffs their right to be
10 duly noticed of hearings, file appellate documents for transition to the Intertribal Court
11 of Appeals.
12

13 **64.** That the actions of the Defendants collectively, through inaction to stop the Defendant
14 Rodney might of abuse of his office to persecute his political opponents, to render the
15 appellate process non-existent have all affected the Plaintiff's civil rights as guaranteed
16 by the Indian Civil Rights Act of 1968 and is illegal;
17
18

19 **Declaratory Judgment**

20 **65.** Plaintiffs incorporate all paragraphs of this complaint by reference as if fully set out
21 herein.
22

23 **66.** This Court by its order is relied upon by the Plaintiffs to require Defendants United
24 States, through is contractual agreement with Defendant Western Agency, Duckwater
25 Shoshone Tribe, and all Defendant named staff of the contractors of Defendant United
26 States, to require the United States to name a fair, objective and reasonable and proper
27 venue by which the Plaintiffs may file their appellate documents.
28

1 67. That the court declare that the Defendant United States is acting unreasonably and in an
2 arbitrary and capricious manner by denying the authority of Defendant Wright to act as
3 Duckwater Shoshone Tribal Court judge;

4 68. To declare the Defendant Mike administration's actions as illegal and in violation of
5 the Plaintiffs civil rights and in violation of the RICO statute.
6

7 69. That the court make a declaration that the United States is required under law to
8 provide adequate funding for the administration of the Intertribal Court of Appeals as
9 part of their trust responsibility.

10 70. That the Court declare that since March 22, 2018 ,without concern for the peace and
11 law and order on Duckwater Reservation, the BIA has unlawfully and unreasonably as
12 per the representation by Defendant Eben, Western Agency, denied the Eastern Nevada
13 Tribes the right to file appeals in the Intertribal Court of Appeals, Reno, Nevada, as
14 administered by the Intertribal Council of Nevada.
15

16 71. That the Court declare that without proper direction and fulfillment of trust
17 responsibilities by the United States, the Plaintiffs have no court that is ethical, fair and
18 unbiased, nor a court under which to file an appeal of their grievances, as pursuant to
19 their rights as guaranteed by the *Indian Civil Rights Act of 1968*;
20

21
22
23 **Prayer for Relief**

24 **WHEREFORE**, Plaintiff prays for judgment against all Defendants, as follows:

- 25 1. A continuing preliminary injunction from this Court prohibiting agents/employees
26 of/and or contractors of the Bureau of Indian Affairs or any other Interior officers from
27 inhibiting on the Plaintiffs rights to appeal their grievances from Duckwater Shoshone
28 Tribal Court;

- 1 **2. A preliminary and permanent injunction against the BIA from inhibiting the Intertribal**
2 **Court of Appeals from accepting proper appellate filings in the Intertribal Court of**
3 **Appeals based upon its lack of the granting of funding for the Administration of the**
4 **Intertribal Court of Appeals;**
- 5 **3. A declaratory judgment that the decision of the United States of America that fails to**
6 **recognize the illegality of the Recall Ordinance, Ordinance No. 83-D-01 and the failure**
7 **of ensuring that a Secretarial Election take place, as the Recall Ordinance changes the**
8 **Duckwater Shoshone Tribe’s Constitution, is arbitrary, capricious and an abuse of**
9 **discretion;**
- 10 **4. That the Court by its order, require Defendants Mike, Adams-Blackeye, Pete, Ambler,**
11 **Wright, to cease their activities that have resulted in the denial of justice for the**
12 **Plaintiffs. (This is injunctive language and does not go in the declaratory action**
13 **section)**
- 14
- 15 **5. The failure of the Defendant United States, through Defendant Bureau of Indian**
16 **Affairs, to ensure that the political machine, as devised by the Defendants Mike,**
17 **Adams-Blackeye, Pete, Wright, Ambler, does not infringe on the civil rights (right to**
18 **vote, equal protection, due process, grieve) of the Plaintiffs, violates the trust**
19 **responsibility, is an abuse of discretion, and is a breach of the trust responsibility owed**
20 **by the United States of America to a federally recognized Tribe; and**
- 21
- 22 **6. And such further and other relief as the Court deems just under the circumstances.**
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26 **RESPECTFULLY SUBMITTED.**

27 **DATED this 4th day of April 2018.**

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/s/ PERLINE THOMPSON
PLAINTIFF PERLINE THOMPSON

/s/ LISA GEORGE
PLAINTIFF LISA GEORGE

/s/ ALFREDA WALKER
PLAINTIFF ALFREDA WALKER

/s/ JACQUELINE HODSON
PLAINTIFF JACQUELINE HODSON

/s/ LORIN WATSON
PLAINTIFF LORIN WATSON

/s/ GONNIE MENDEZ
PLAINTIFF GONNIE MENDEZ

/s/ BOYD GRAHAM
PLAINTIFF BOYD GRAHAM

IT IS SO ORDERED:

**UNITED STATES MAGISTRATE JUDGE/ UNITED STATES DISTRICT COURT
CLERK .**

DATED: _____

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CERTIFICATE OF MAILING/DELIVERY

On this date, April 4, 2018, I, Perline Thompson, do hereby certify, under the penalty of perjury, governing the laws of the United States, that I caused to be mailed/delivered to the persons as named below, a true and correct copy of the foregoing document and exhibits, in the manner as follows:

Via US MAIL
UNITED STATES OF AMERICA
THE DEPARTMENT OF THE INTERIOR, BUREAU OF INDIAN AFFAIRS
Department of the Interior
1849 C Street, N.W.
Washington DC 20240

Via US MAIL
WESTERN NEVADA AGENCY, SUPERINTENDENT, THE EMPLOYEES, CONTRACTOR
AND AGENTS OF THE WESTERN NEVADA AGENCY OF THE BUREAU OF INDIAN
AFFAIRS
Superintendent Eben
Western Nevada Agency
311 E. Washington St.
Carson City, NV 89701-4065

Via US Mail
EASTERN NEVADA AGENCY SUPERINTENDENT
Superintendent McDade
2719-4 Argent Avenue
Elko, NV 89801

Via US Mail
PHOENIX AREA DIRECTOR
Western Regional Office
2600 N. Central Avenue,
4th Floor Mailroom
Phoenix, AZ 85001

Hand Delivered by Courier
INTERTRIBAL COUNCIL OF NEVADA
Vicki Oldenburg, Esq
5421 Kietzke Lane #202
Reno, NV 89511

1 DARYL CRAWFORD, EXECUTIVE DIRECTOR OF INTERTRIBAL COUNCIL OF
NEVADA

2 680 Greenbrae Drive, Suite 265
3 Sparks, Nevada 89431

4 Hand Delivered

5 GABRIELLA RUIZ, CLERK OF COURT OF THE INTERTRIBAL COURT OF APPEALS
AT INTERTRIBAL COUNCIL OF NEVADA

6 680 Greenbrae Drive, Suite 265
7 Sparks, Nevada 89431

8 HAND-DELIVERED

9 RODNEY MIKE

Duckwater Shoshone Indian Reservation

10

HAND-DELIVERED

11 KATHY ADAMS-BLACKEYE

Duckwater Shoshone Indian Reservation

12

13 HAND-DELIVERED

LILI ANN PETE

14 Duckwater Shoshone Indian Reservation

15

VIA US MAIL

16 ALLEN AMBLER

1061 ANGELA CT.

17 FALLON, NV 89406

18

HAND-DELIVERED

19 KEITH HONAKER

DUCKWATER SHOSHONE INDIAN RESERVATION

20

VIA US MAIL

21 MITCHELL C. WRIGHT

22 1000 CENTER STREET

FALLON, NV 89406

23

24 HAND-DELIVERED TO DUCKWATER TRIBAL COURT HOUSE

DANIEL P. WARD

25 Duckwater Indian Reservation

26

27 *Dated this 4th day of April, 2018.*

28 /s/ Perline Thompson

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ATTACHMENTS


**ORIGINAL SIGNATURE PAGES
ORIGINAL VERIFICATIONS**


1 RESPECTFULLY SUBMITTED.

2 DATED this 4th day of April 2018.

3 
4 PLAINTIFF PERLINE THOMPSON


5 
6 PLAINTIFF LISA GEORGE

7 
8 PLAINTIFF ALFREDA WALKER

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10 PLAINTIFF JACQUELINE HODSON

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12 PLAINTIFF LORIN WATSON

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14 PLAINTIFF GONNIE MENDEZ

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16 PLAINTIFF BOYD GRAHAM

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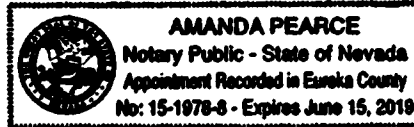
VERIFICATION

Renee Thompson
PLAINTIFF SIGNATURE
Renee Thompson
Print Name

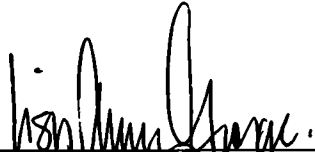
STATE OF NEVADA)
) ss.
COUNTY OF Eureka)

On this 2nd day of April, 2018, before me personally appeared Renee Thompson, known to me to be the person described in and who executed the foregoing instrument. Such person duly swore to such instrument before me and duly acknowledged that she executed the same.

Amanda Pearce
NOTARY PUBLIC



VERIFICATION



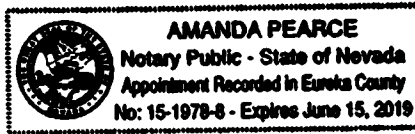
 PLAINTIFF SIGNATURE
 Lisa Ann George.

 Print Name

STATE OF NEVADA)
) ss.
 COUNTY OF Eureka)

On this 2nd day of April, 2018, before me personally appeared Lisa Ann George, known to me to be the person described in and who executed the foregoing instrument. Such person duly swore to such instrument before me and duly acknowledged that she executed the same.

Amanda Pearce
 NOTARY PUBLIC



VERIFICATION

Alfreda M. Walker
PLAINTIFF SIGNATURE
Alfreda M. Walker
Print Name

STATE OF NEVADA)
COUNTY OF Clark) ss.

On this 2 day of April, 2018, before me personally appeared Alfreda M. Walker, known to me to be the person described in and who executed the foregoing instrument. Such person duly swore to such instrument before me and duly acknowledged that she executed the same.

[Signature]
NOTARY PUBLIC



VERIFICATION

Jacqueline Hodson
PLAINTIFF SIGNATURE
Jacqueline Hodson
Print Name

STATE OF NEVADA)
) ss.
COUNTY OF Eureka)

On this 2nd day of April, 2018, before me personally appeared Jacqueline Hodson, known to me to be the person described in and who executed the foregoing instrument. Such person duly swore to such instrument before me and duly acknowledged that she executed the same.

Amanda Pearce
NOTARY PUBLIC

