

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

BURREL JONES,

Plaintiff,

v.

ALABAMA-COUSHATTA TRIBE OF
TEXAS AND NASKILA GAMING,

Defendants.

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No. 9:20-CV-63

**DEFENDANTS’ RESPONSE TO PLAINTIFF’S
OBJECTIONS TO REPORT AND RECOMMENDATION (“R&R”)**

Plaintiff objects [DE 27] (the “Objection”) to the Magistrate Judge’s R&R [DE 25] for failing to follow a lone state-court case that declined to apply tribal sovereign immunity to a tort claim. But as Defendants pointed out, an unbroken chain of federal courts have applied tribal sovereign immunity to bar claims like Plaintiff’s, and the only federal court to consider the Objection’s proffered state-court case has rejected it. *See* Mot. to Dismiss at 13–15 [DE 18] (collecting cases); Reply at 4 [DE 21] (same); *see also* R&R at 5–6 (same). The Objection implicitly concedes the correctness of the R&R on this issue by citing a dissent by Justice Thomas that expressly acknowledges that Supreme Court majorities have ““continu[ed] to uphold the doctrine”” of tribal sovereign immunity even though its application can result in the same consequences identified by Plaintiff. *See* Obj. ¶ 4 (citation omitted). Defendants respectfully request that the Court apply federal precedent, overrule the Objection, and dismiss Plaintiff’s premises-liability claim as barred by Defendants’ sovereign immunity.

Dated: November 16, 2020

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing *Response to Plaintiff's Objections to Report and Recommendation* was served upon the counsel listed below through the Court's CM/ECF system on November 16, 2020:

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