

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

Angela Delorme-Gaines,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
Tara Sweeney,	)	
Asst. Sec’y of Interior,	)	
US Bureau of Indian Affairs, et al.	)	
	)	
	)	

Civil Case No. \_\_\_\_\_

---

**PETITION FOR WRIT OF MANDAMUS**

**I. JURISDICTION.**

This honorable court has subject matter jurisdiction because the defendants are federal officials failing to fulfill their official duties in a reasonable period of time thereby violating the APA. Petitioner is filing in federal court because this matter involves a federal question regarding federal officials working in their official capacity for a federal sub agency, the US Bureau of Indian Affairs. Said inaction is a potential violation of the Administrative Procedures Act with a Writ of Mandamus from a federal court as a potential solution under the Mandamus Statute when the BIA failed to act in a reasonable period of time. 28 U.S.C. § 1361 Petitioner's understanding is that the federal question statute, 28 USC § 1331 allows federal jurisdiction in an APA lawsuit for review of agency action or lack thereof.

Petitioner respectfully asks this honorable Court to include any additional jurisdictional arguments on Petitioner's behalf.

**II. PLAINTIFF.**

Angela Delorme-Gaines  
Turtle Mountain Band of Chippewa Citizen  
PO Box 601  
Monument, CO 80132

**III. DEFENDANT.**

Tara Sweeney  
Ass't Sec'y of Interior  
Department of the Interior  
1849 C Street, N.W.  
Washington DC 20240  
tara.sweeney@doi.gov

Darryl LaCounte  
Director  
Bureau of Indian Affairs  
1849 C St NW  
Washington, DC 20240  
(202) 208-3710  
darryl.lacounte@bia.gov

James D. James  
Deputy Bureau Director, Field Operations  
Bureau of Indian Affairs  
1849 C St NW  
Washington, DC 20240  
(202) 208-2874  
james.james@bia.gov

Kayla Danks  
Superintendent  
Ft Berthold Agency  
202 Main St.  
New Town, ND 58763  
(701)627-4707  
kayla.danks@bia.gov

Timothy LaPointe  
Great Plains Regional Director  
US Bureau of Indian Affairs  
115 4th Avenue, SE Suite 400  
Aberdeen, SD 57401  
(605) 226-7343  
timothy.lapointe@bia.gov

**IV. CLAIM.**

**COMES NOW** Petitioner, Pro Se requesting a Writ of Mandamus from this Honorable Court ordering the US Bureau of Indian Affairs to fulfill their official duties in a reasonable period of time.

The US Bureau of Indian Affairs owes a fiduciary trust responsibility to all tribally enrolled citizens. Plaintiff is an enrolled tribal citizen of the Turtle Mountain Band of Chippewa. As a federal sub agency the BIA controls Individual Indian Money (IIM) accounts at the agency level and unilaterally commands all procedural timelines for collections without a published timeline or accountability.

In 2005 an IIM Account holder and tribal citizen from MHA nation in Ft. Berthold failed to pay an over \$500,000 debt to Petitioner causing severe financial hardship to Petitioner and her family. Petitioner went to court and obtained an enforceable judgment for damages on August 21st, 2018 at great expense then contacted the BIA to collect against the IIM account. Petitioner was aware of collecting against IIM accounts when she is also an IIM account holder from a neighboring tribe. *See Exhibit A*

Petitioner originally went to her BIA Agency office in Turtle Mountain as she was instructed to by the Office of the Special Trustee (OST) and was referred to the BIA agency office in Ft. Berthold on March 13, 2019. *Exhibit B* On April 8, 2019 Petitioner served a certified official copy of the judgment to BIA Superintendent Kayla Danks, requesting to Encumber said IIM account. Each BIA Superintendent manages IIM accounts originating from the reservation(s) assigned to said Agency office. Petitioner also followed up with Superintendent Danks on June 9th, 2019. *See Exhibit C.*

April 8, 2019 Petitioner also served Superintendent Danks via her official BIA email account. After serving Superintendent Danks with the court order, Petitioner called Ms. Danks to follow up. Ms. Danks flat out refused to have contact with Petitioner, refused to acknowledge receipt of said judgment in writing or by email, refused to advise Petitioner of her rights and options, refused to disclose the encumbrance process and timeline if any and refused to provide any help or advisement or direction to Petitioner who is also an Indian. *See Exhibit D.*

As an Air Force Veteran from a family with four generations of military service, Petitioner was appalled by the lack of due process and the blatant disregard for a court order exhibited by Superintendent Danks. Petitioner was treated with hostility by employees of said Agency office and finally contacted the Great Plains Regional Director after getting no correspondence, no due process, no transparency, no notice that the encumbrance was moving forward. Nothing but unprofessionalism.

After meeting with the Acting Regional Director, Ms. Danelle Daugherty who requested a copy of said judgment and encumbrance request, Petitioner complied on or about June 1, 2019 then followed up with Ms. Daugherty via email on June 10th, 2019.. Further, she requested an inquiry from US Congressman Doug Lamborn of Colorado. *See Exhibits D & E.*

The matter was appropriately sent to the US Solicitor's Office for review and in October, 2019 the BIA Regional Director who was now Timothy LaPointe was advised to pay the judgment by encumbering the IIM account. *See Exhibit E.*

In December 2019 the account holder waived his right to an administrative appeal. The only step left was for Superintendent Danks to prepare and submit a distribution plan to the OST Processing center for payment to Petitioner. *See Exhibit G & J.*

In January 2020, Petitioner called Superintendent Danks for an update and was told by Superintendent Danks that she as, Superintendent of the Ft. Berthold Agency, was refusing to prepare the distribution plan until the account holder went to court and appealed the judgment. As of May 13th, 2020 said account holder has not filed an appeal and showed no interest in doing so for the almost three years since being served the official judgment. In fact, he waived his right to an administrative appeal *See Exhibit G*. Petitioner relayed the conversation to Superintendent Danks' supervisor, Regional Director LaPointe who assured her that the distribution plan took only a day to prepare and that he would follow up on it and get back to her. Petitioner never heard back and contacted Regional Director LaPointe's boss, James D. James, Deputy Bureau Director of Field Operations on Feb 8th, 2020. *See Exhibit H*. US Congressman Lamborn also followed up on the issue with a letter to the BIA. *See Exhibit H*.

Mr. LaPointe informed Congressman Lamborn that the distribution plan on Ms. Danks' desk would be completed no later than March 6th, 2020. Petitioner was directed by the Regional Director's office to verify the distribution plan's status in April, 2020. Said distribution plan was never submitted to the OST according to Mr. Arthur "Roger" Campbell who was the Acting Fiduciary Trust Officer of the OST for the Ft. Berthold Agency office on April 20, 2020. *See Exhibits G & I*.

Petitioner also contacted BIA Director Darryl LaCounte's office and Assistant Secretary of Interior Tara Sweeney's office for help with no reply.

On May 7, 2020, Petitioner was contacted by Mr. Gregg Bourland Deputy Regional Director of Trust Services for the Great Plains regional office and the subordinate of Mr.

Timothy LaPointe. Mr. Bourland verified that there was no appeal holding up the process and the restriction of the account and disbursement plan were both being held up by Superintendent Danks.

Superintendent Danks is no longer taking my calls, nor is she returning calls when I leave a message and there is nothing Petitioner can do for help but come to this honorable Court for a Writ of Mandamus directing the BIA to perform their duty or any other relief.

#### **V. ADMINISTRATIVE PROCEDURES.**

There have been no administrative proceedings regarding this matter and until the federal agency “conclude(s) a matter presented to it” within a reasonable period of time, there’s nothing to appeal and no action ripe for administrative hearing. However, Petitioner has gone up the organizational chart of the BIA seeking out an administrative solution and at this point has exhausted all administrative options. Petitioner has no administrative remedies available. There is no recourse for tribal members against BIA officials nor is there any form of accountability for refusing to fulfill their official duties.

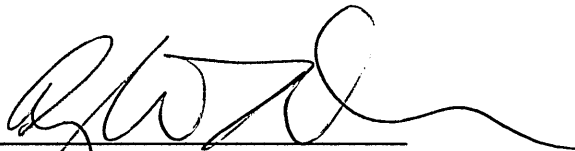
#### **VI. RELIEF SOUGHT.**

Petitioner respectfully seeks injunctive relief under the Administrative Procedure Act (“APA”) and the mandamus statute, 28 U.S.C. § 1361, compelling the US Bureau of Indian Affairs to suspend the applicable IIM account then issue an Encumbrance and/or Disbursement Plan to the OST Processing Center in accordance with BIA Federal Regulation 25 CFR § 115.601(b)(3).

Any additional relief deemed necessary by this honorable Court.

**VII. SIGNATURE.**

**Respectfully submitted on the 14th day of May, 2020.**

A handwritten signature in black ink, appearing to read 'Angela Delorme-Gaines', written over a horizontal line.

Angela Delorme-Gaines  
PO Box 601  
Monument, CO 80132  
(719)440-2631  
atdelorme@gmail.com