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UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

TARA JEANNE AMBOH, Plaintiff, v. DUCHESNE COUNTY, a political subdivision of the State of Utah, and DUCHENSE COUNTY ATTORNEY STEPHEN FOOTE Defendant(s),	Case No. 2:21-cv-00564 PLAINTIFF'S REPLY TO DEFENDENTS STATE OF UTAH MOTION TO DISMISS COMPLAINT FOR FAILURE TO STATE A CLAIM Magistrate Judge Cecelia M. Romero

Plaintiff, Tara Jeanne Amboh, Uinta Indian Member respectfully submits Reply to Defendant(s) Motion to Dismiss complaint for Failure to State a claim, as follows:

INTRODUCTION

Plaintiff, Tara Jeanne Amboh, Uinta Indian Member discussed her Objection, on the State of Utah in Duchesne County explicitly the Minutes Sentence, Judgment, Commitment: Interference With Arresting Officer, date 08/12/21; and Operating Vehicle Without Insurance, dated 8/12/21; through Honorable Samuel P. Chiara, Eighth District Judge. All State legislation and the Minutes Scheduling Conference/Denial of Plaintiff Pro Sec on, Fail to Stop at Command of Law Enforcement, and Interference With

Arresting Officer, Disorderly Conduct, and Operating Vehicle Without Insurance, before Honorable Samuel P. Chiara, Eighth District Judge, dated January 29, 2021. There is no assertion of jurisdiction by the Eight District Court's, proof of jurisdictional authority over Plaintiff Amboh. By the Eighth District Court and County Official Prosecutor Foote acted in a manner not consistent with Tribal and Federal law, their actions denied Plaintiff Amboh substantive sovereign right and caused her to continue to suffering and unjust, false, abuse of discretion which is arbitrary and unreasonable to Plaintiff Amboh being unfairly denied her substantive sovereign right or being cause to suffer an unjust situation that is occurring within Uinta Reservation of 1934, know to be Indian Country; The Eighth District Court and Prosecutor did not address and acted to ignore jurisdictional status of part of the existing Uinta Reservation land boundaries as Indian Country.

I. THE SECTION 42. U.S.C. 1983 CLAIM AGAINST STATE OF UTAH ON CIVIL RIGHTS IN INDIAN COUNTRY

The Chemehuevi Members of the Tribe suit under 42 U.S.C. 1883, alleging violations of various federal statutory and constitutional rights, stemming from traffic citations issued to Chemehuevi Members of the Tribe from the Sheriff's Deputy inside the boundaries of the Chemehuevi Indian Reservation. The District Court subsequently granted summary judgment Appealed to Defendant(s). That Indian country under 18 U.S.C. 1151(a), accordingly, the panel held that San Bernadino County did not have jurisdiction to enforce California regulatory traffic laws within that area. The Honorable Edward R Korman, United States District Judge for the Eastern District of New, sitting by

designation. Chemehuevi Indian Tribe v. McMahon, No 17-56791 (9th Cir. 2019). The panel held that the Individual Plaintiffs, but not the Tribe, could challenge the citation under 1983. The panel held that because 1983 was designed to secure private rights against State government encroachment, Tribal members could use it to vindicate their individual rights, but not the Tribe's communal rights. The panel therefore vacated the district Court's judgment dismissing the Complaint as to the Individuals, but affirmed the judgment as to the Tribe. The panel held the Chemehuevi Reservation includes Section 36, and the Section 36 is Indian Country. Therefore, the County does not have jurisdiction to enforce California regulatory laws within it. Furthermore the panel held the Individual Members have the cause of action under Section 1983 against Defendant(s). However, the Tribe cannot assert its sovereign right under statute. The Court affirmed in part, vacated in part, and remanded in part. The Civil Rights in Indian Country. The panel affirmed in part and vacated in part the District Court's dismissal of the Complaint and remanded in an action brought pursuant to 42 U.S>C 1983 by the Chemehuevi Indian Tribe and four of its enrolled Members alleging violation of Federal statutory Constitutional rights. This same situations in Plaintiff Amboh's Federal complaint the State suggest a dismiss in Federal Court.

The 10th Circuit Court of Appeals decision denying the State of Utah claim, immunity. In Ute Indian Tribe v. State of Utah, 114 F. 3d. 1513 (10th Cir. 1997), the time has come to respect the peace and maintain Uinta Valley Reserve 1861-64 promises to the Uinta Band Utah Indians. In the even the 10th Circuit Court ruling helped prove the misplaced State of Utah's claims within Federally Recognized Uinta Reservation

boundaries and the Defendant(s) persist in failing to respect the ruling in Ute V, they should expect to meet with sanctions in the Federal District Court. Lonsdale v United States, 919 F. 2d 1440, 1448 (10th Cir. 1990).

The State of Utah's unlawfully enforces Utah State Laws within the Uinta Reservation where they do not have jurisdiction, supremacy clause applies. The Defendant(s) lack jurisdiction over Plaintiff Amboh within Indian Country 18, U.S.C 1151, also accused of enumerated Indian Major Crimes Act, 18 U.S.C. 1153, which are exclusive Federal Jurisdiction. McGirt v Oklahoma, 591 U.S.___, 140 s. Ct. 2452 (2020).

NOW, the State of Utah has got involved in this case, it shows how the State of Utah is passing legislation over Federally Recognized Indian Reservation without the consent of Federal Government or the Indians which is applied as adverse possession in the State of Utah.

II. THE UTAH STATE IMMUNITY

In, Oglala Sioux Tribe v. Hunnick, 993 F. Supp. 2d 1017, 1033 (D.S.D 2014). The State's Attorney "was not" entitled to prosecutorial immunity for prospective injunctive or declaratory relief where Plaintiff did not seek money damages.

Plaintiff Amboh, Uinta member can sue Officials under Ex Parte Young, 209 U.S. 123 (1908), Ex Parte Young has stood for the proposition that party aggrieved by an unconstitutional Utah State Law may obtain prospective injunctive relief against Utah State Officials in Federal Court. Defendant State of Utah does not dispute what this Federal Court has recognized for 37 year, plus. Ex Parte Young allows Federal Courts to

enjoin State of Utah Officials from the enforcement of unconstitutional Utah State law. The United States District Court established in Ex Parte Young, 209 U.S. 123 (1908), Plaintiff may sue Utah State Officials for prospective injunctive relief against the enforcement of State of Utah's unconstitutional enforcement Utah State law. In intervening years, this Court and the Courts of appeals have repeatedly held Ex Parte Young allows Federal Courts enforcement of Federal Statutes and Acts of Congress on the future enforcement of Utah State law acts to violate.

III. UINTA INDIAN ABORIGNINAL TITLE AND LAND CLAIMS
The Uinta Band of Utah Indians never relinquished Their Uinta Valley Treaty Reserve of 1861-1864

The Uinta Indian Treaty title cannot be compromised by anyone, and should have never been compromised, the whole State of Utah is Uinta Valley Reserve Treaty of 1861-1864 is recognized as FEDERAL (treaty) TRUST LANDS, citing McGrit v. Oklahoma, Oneida Indian Nation v County of Oneida, 114 U.S.661 (1974).

The issue that Congress should have respected the Indians and received Consent from the Indians, instead enforcing one Act after another. Or following lead with the surrounding non-tribal People complaints on the Indian people to move them further from their aboriginal lands. County of Oneida v. Oneida Indian Nation, 470 U.S. 226, 247-48 (1985).

The Federal Court should dismiss the State's Eighth District Court's action, and not allow State of Utah to intervene in Plaintiff Amboh's, Uinta Band of Utah Indians claim against the Defendant(s) on behalf of Roosevelt City Town site it actions conflict with the Court Cases Ute III and Ute V.

Plaintiff Amboh with her right away of the Uinta Reservation (Indian Country) and the protection of her Individual Indian Civil Rights (ICRA) has a right to sue through Tribal and Federal common law. Defendant(s) ignorance to Tribal and Federal Laws and actions involving money exchange through court cost or paying state court fees without consent from Plaintiff Amboh, Tribal or Federal Government is a violation of the Trade and Intercourse Acts of Congress and the Indian it applies to.

IV. THE DEFENDANT STATE OF UTAH PROCEDURAL FED R. CIV. P. 12 (B) (6) ARGUMENT SHOULD BE REJECTED

When the District Court dismisses a Complaint for lack of subject matter Jurisdiction and taking evidence, the Appellate Court reviews the question de novo. Pueblo of Jemez v. United States. 790 F. 3d 11143, at 1151 10th Cir. 2015. The Court must accept the allegations of the Courts Complaint as true and factual and should respect Plaintiff Amboh's Indian status and where she resides on the Uinta Indian Reservation, Home rule. Holt v. United States, 43 F. 3d 1000, 10002 (10th Cir. 1995; Fed. R. Civ. P. 12 (b) (1).

VII. REPLY TO INACCURACIE IN STATE OF UTAH MOTION TO DISMISS COMPLAINT

In Ute VI, Ute Indian Tribe V. State of Utah, 790 F. 3d 1000, 1005-08 (10th Cir.2015). The Tenth Circuit Court described the actions of the State of Utah and Duchesne County municipality as a campaign to litigate the boundaries of the Uinta Indian Reservation, and the court described the campaign as the most serious State of Utah encroachment on Uintas Sovereignty. Duchesne County - regardless of it assertions to this Court – has been active player in the litigation campaign and ignoring all court

cases already settled by this court and 10th Circuit Court. Before proceeding to the legal argument, Plaintiff Amboh feels compelled to respond to some of the more troubling representations of the State of Utah and Duchesne has made to the Court in its Motion to Dismiss. Plaintiff Amboh will begin with the State of Utah on Duchesne Counties assertions. Plaintiff Amboh was in complete shock when the sentence was read; the Uinta Sovereignty was ignored by the Defendant(s). Plaintiff Amboh was disappointed the Defendants ignored her suggestion of Diplomatic Immunity and Sovereign Immunity from the Duchesne County Court and proceeded with the Court case without proper representation. Honorable Chiara ignored Plaintiff Amboh plea when it came to her public defender he replied, "He did not care if Plaintiff Amboh was submitted court papers into this court, Public Defender was still her representative". The Public Defender Morrison step down and had his Brother to proceed with the case. One of the suggestions from the Public Defender legal suggestion, "Don't bring up the Sovereignty issue, its irrelevant in this court". And while the State of Utah and the Defendant(s) are in delight in cataloging the incident and ignoring Uinta Indians Sovereignty or having any consideration, Defendant(s) do not provide any context for Uintah Indians Reserve, because the context would reveal the State of Utah and the Defendant(s) own provocative actions necessitate the Uinta Indian to clarify their rights.

VIII. THE UINTA LANDS RESTORED

Despite the State of Utah and Defendant(s) confusion the information presented is very simple. Uinta Valley Reserve 1861-1864 is very unique and was approved by Congress to be set apart exclusively to Indian Tribes. On the State of Utah became a part

of the statehood on January 4, 1896 with certain condition regarding Indian people. One factor is Uinta Valley Reserve 1861- 1864 was established before the Statehood of Utah, supremacy clause exist.

In Ute III, Ute Indian Tribe v. Utah, 773 F. 2d 1087 (10th Cir. 1985), United States District Court of Utah ruled the Uinta Valley Reserve was not diminished by Indian Allotments. Congress created the Allotment Act without the consent of the Indian even though the Uinta Band of Indian had exclusive rights, title and undivided interest to Uintah Valley Reserve. Congress inhumanly ignored the Uinta Indians when they opposed this matter when Inspector McLaughlin approached Indians phrasing, "You will be protected by the laws of the government", and " . Congress and US Government ignored the Indian proceeded with Allotment era and Homestead, even though the Indian have never given consent. Because the Indian would not give their approval Congress created another Act that did not require the Indians approval, frequently taking land for Non-Indians who were complaining about the Indians.

In Ute V, Ute Indian Tribe v. Utah, 114 F. 3d 1513 (10th Cir. 1985). All parties were in opposition of how the court should synthesize Ute III, the Court rejected all arguments and held Ute V, mandate control regardless off all agreements after Indian Appropriation Act 1851 regarding all allotments and 1902 and 1905 Acts alleged patents, regarding Uinta Valley Reserve agreement 1861-1864.

This Court very simply need to remand with instructions for the District Court to follow Ute V – State of Utah, Roosevelt Town site and Defendant(s) are confused and should abide by the decision in Ute V.

The Uinta Trust lands are in fact synonymous with Uinta Sovereignty and derives in any event, not from the statutory delegation from Congress under 18 U.S. C.1151, Uinta Indians still retain their sovereignty and the United States Trust responsibility. The discussion of Uinta Lands/Sovereignty set under the pretend of the Authority of the State Of Utah.

The Tenth Circuit ruling in Ute V is consonant with the weight of authority. Other Federal Circuits and Utah State Courts have long recognized, Duchesne County and Roosevelt City highway through the Uinta Reservation is still considered Indian Country and within the Territory of the Uinta Reservation.

Rosebud Sioux Tribe v. State of South Dakota, 900 F. 2d 1164, 1174 (8th Cir.1990) The consent of Indian is absent, South Dakota have no jurisdiction over public highway's, running through Indian land in South Dakota; United States v. Harvey, 701 F. 2d 800, 805 (9th Cir.1983) State traffic laws do not apply to Indians within Indian Country, rev'd on other grounds, United States v Chapel, 55 f. 3d. 1416 (9th Cir. 1995); Ortez Barraza v United States, 512 F. 2d 1176 (9th Cir. 1975). Indian Police Officer could investigate violations of State and Federal Law on roadways within Indian Country; Konaha v Brown, 131 F. 2d 737 (7th Cir. 1942). State of Wisconsin lacks jurisdiction to prosecute Indian for traffic offenses committed on the Wisconsin State Highway; In, United States v. Cooley, 592 U.S. ___, 141 S. Ct. 1638 (2021), whether the lower Courts erred in suppressing evidence on the theory a Police Officer of an Indian lacked authority to temporarily detain and search respondents, the non-Indian, on a Public right-a-way within Indian Reservation based on the potential violation of the State or Federal Law;

State of Washington v. Pink, 185 P. 3d 634 (Wash. Ct. App. 2008). A roadway easement granted by Quinault Indians did not eliminate Indian Jurisdiction over Indian Member for offenses committed on the Roadway; State of Wisconsin v. Webster, 338 N.W. 2d 474, 482-83 (Wis. 1983) Wisconsin lacks criminal jurisdiction over Indian members for offenses arising on Public highways located within Indian Country; Enriques v. Superior Court; in Fort Pima County, 565 P. 2d 522, 523 (Az. Ct. App. 1977) Easement for highway running through the reservation does not alter Indian Country status of the Lands traversed by the highway; Schantz v. White Lighting, 231 N.W. 2d 812, 816 (N.D> 1975) State highways traversing an Indian Reservation are within Indian Country; Signa v. Bailey, 164 N.W. 2d 886, 889-91 (min. 1969) apart from compliance with process mandated by Federal law, the State has no criminal or civil jurisdiction over Indian Members within Indian Country; In the Matter of Deneclaw, 320 P. 697 (Ariz. 1958) Federal Government grant a roadway easement to State of Arizona did not affect Indian Country status of land encumbered by the easement.

In Motor Vehicles-Registration and Drivers License Department are without Federal authority and/or in violation of Congress's Trade and Intercourse Act, it takes money from the Indians on the Indian Reservation, this also include car insurance. Indian is not required to pay States taxes on their own reservation.

In, Wauneka v. Campbell, 22 Ariz. App. 287, 526 P. 2d 1085 (1974), the State Vehicle Registration and titling laws were held preempted in one case by Indian regulations for Licensing Vehicles of Indians and its residents, even the vehicles that leave an Indian Reservation and travel elsewhere in the State. Prairie Band of

Potawatomi Indian v. Wagnon, 476 F. 3d 818 (10th Cir. 2007), the 10th Circuit Court did not abuse its discretion when it permanently enjoined Kansas from further application and enforcement of it Motor Vehicles Registration and Titling laws against Indians, and any person who operates or own Vehicles registered and titled under Indian's Motor Vehicle Code, the Court having appropriately balanced interest at issue in accordance with White Mountain Apache Tribe v. Bracker, 448 U.S. 136 (1980), and determined Federal and Indian interest in promoting around Indian economic Development, Self-sufficiency, and Self-Government preempt asserted interest in Public Safety.

IX. LACHES DOES NOT BAR PLAINTIFF AMBOH UINTA INDIAN MEMBER FROM ASSERTING SUBJECT MATTER JURISDICATION

Defendant(s) and the State of Utah argue laches bars the Uinta Indians from asserting jurisdiction over Uinta Indian Lands restored to Federal trust on the Uinta Indian Reservation status by the 1945 Restoration Order, on the alleged Duchesne and Uintah Counties. Its argument is wrong on both the law and their facts, the restored lands held by the United States in trust and for the benefit of the Uinta Band of Utah Indians, laches does not apply. Guar. Trust Co. of New York v. United States, 304 U.S. 126, 132 (1938) the sovereign is exempt from the consequences of laches.

CONCLUSION

Defendant(s) and the State of Utah actions to litigate Jurisdiction against Plaintiff Amboh reliance within Indian Country, 18 U.S.C. 1151 and her residence within the Uintah Indian Reservation, Tribal and Federal Jurisdiction applies in this matter. State Of

Valley Reserves status by the 1945 Restoration Order, on the alleged Duchesne and Uintah Counties. Its argument is wrong on both the law and their facts, the restored lands held by the United States in trust and for the benefit of the Uinta Band of Utah Indians, laches does not apply. Guar. Trust Co. of New York v. United States, 304 U.S. 126, 132 (1938) the sovereign is exempt from the consequences of laches.

CONCLUSION

Defendant(s) and the State of Utah actions to litigate Jurisdiction against Plaintiff Amboh reliance within Indian Country, 18 U.S.C. 1151 and her residence within the Uintah Valley Reserve, Tribal and Federal Jurisdiction applies in this matter. State Of Utah claims are irrelevant and the 10th Circuit Court of Appeals held in Ute V, for the Uinta Valley Reserve should be considered and applied in this case.

Respectfully submitted on 1 day of February, 2023.

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Uinta Band of Utah Indian

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February 1, 2023

United States District Court
Office of Clerk
351 South West Temple
Salt Lake City, Utah 84101

RE: Amboh v. Duchesne County, et al.,
No. 2: 21-cv-00564

Following have filed foregoing **PLAINTIFF'S REPLY TO DEFENDENT(S) STATE OF UTAH MOTION TO DISMISS COMPLAINT FOR FAILURE TO STATE A CLAIM,** which are hereby filed for the court.

Respectfully submitted,

Tara J. Amboh

CERTIFICATE OF SERVICE

Hereby certify on 1 day of February, 2023, I have filed the foregoing: **PLAINTIFF'S REPLY TO DEFENDENT(S) STATE OF UTAH MOTION TO DISMISS COMPLAINT FOR FAILURE TO STATE A CLAIM,** , which caused parties of record to be served.

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