

Tara J. Amboh  
Post Office Box 155  
Neola, Utah 84053  
Telephone: (435) 724-4461

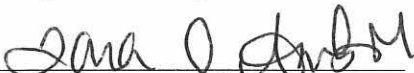
July 19, 2023.

U.S. District Court  
Office of the Clerk  
351 South West Temple  
Salt Lake City, Utah 84101

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

The Plaintiff have filed the foregoing; **PLAINTIFF'S  
REPLY TO REPORT & RECOMMENDATION**, which are hereby filed  
for the court.

Respectfully submitted.

  
Tara J. Amboh

Tara J. Amboh  
PO Box 155  
Neola, Utah 84053  
Telephone: (435) 722-4461

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**UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION**

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TARA JEANNE AMBOH

Case No. 2:21-CV-00564

Plaintiffs,

**PLAINTIFF'S REPLY TO  
REPORT & RECOMMENDATION**

V.

DUCHESNE COUNTY, a political subdivision  
Of the State of Utah, and DUCHESNE COUNTY  
ATTORNEY STEPHEN FOOTE

Defendant(s)

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**ORAL ARGUMENT NOT REQUIRED**

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Plaintiff Tara Jeanne Amboh, is a residence of the Uinta Valley Reserve and a member of the Uinta Band that was established in Indian Country is submitting properly served documented copy, and the Order Granting Extension of Time for Service, and Two Summons in this matter upon the Defendant(s).

**BACKGROUND**

The Plaintiff Tara Jeanne Amboh was charged on August 8, 2020 Eight District of Roosevelt Duchesne County, State of Utah Case #: 20100314 charges Interference with arresting Officer, No Insurance on Motor Vehicle, and Disorderly conduct, which was heard by Judge

Keith Eddington and the finally Order In Roosevelt City was dismissed by Judge Samuel Chiara and Prosecutor Stephen Foote (Exhibit 1). Ms. Amboh did not receive her copy of the order until she called the Roosevelt City Court on July 18, 2023 and it was sent via email on July 19, 2023. Eighth District Court Duchesne County, State of Utah Case #: 201800404 charged with Interference with arresting Officer, No Insurance on Motor Vehicle, Disorderly Conduct, Failure to stop at command of Law Officer. On August 30, 2021 Ms. Amboh was charged with Interference with arresting Officer and Operating a vehicle without Insurance, and order of probation for 12 month(s) and to complete 90 hour(s) of community service.

The location of Plaintiff's citation is within the Uinta Valley Reserve (Oct. 3, 1961 (1 Kappler 900) within Indian territory which was established by Executive Order and Congress 1861-64. The Utah Enabling act July 16, 1894 and Duchesne County was established on February 21, 1913 after the fact.

The report and recommendation is wrong, or misguided by the Defendants claims within the Uinta Valley Reserve boundaries and is trying to re-litigate and change the higher court Tenth Circuit's ruling on the Incorporated Ute Indian Tribes court cases; Ute III, Ute IV, and Ute VI and most important Federal Code 18 U.S.C. These are proven Tribal and Federal jurisdictional authority, where Roosevelt City, Duchesne County and the State of Utah lacks Jurisdiction. This court has heard many of the Incorporated Ute Indian Tribes court cases and is bound by the higher courts decisions regarding Indian Jurisdiction within Indian Country. The State of Utah cannot prove with the named immunities stated by Mr. Foote and the Utah State Attorney General having State immunity because it does not apply on the Uintah Valley Reserve. United States Federal Agency is still active on the Uinta Valley

Reserve . Hooper v. The city of Tulsa, Case No. 22-5034 (10<sup>th</sup> Cir. June 28, 2023); U.S. Supreme Court's decision in McGrit v Oklahoma, 150 S. Ct. 2452 (2020), is base upon treaty rights, agreements and negotiation between the Federal Government, not the states. The Federal and Tribal Municipal Indian Country jurisdiction bypasses the alleged claims of the State of Utah traffic laws, Utah Statehood and the State of Utah's Enabling Act with the United States Congress prevents any contact with the Indian Tribes in Indian Country. The city of Roosevelt does not have jurisdiction over criminal offenses committed by Indians in Roosevelt. Ms. Amboh who is a resident of Uinta Valley Reserve in Indian Country is allowed to use Federal Highway 40 as a right a way to travel through Roosevelt to go from her home and back without hinderance from the Roosevelt, County and State officers. Just as citizens of the State of Utah has the opportunity to drive through Indian Country without hinderance from Tribal and Bureau Indian Affairs Officers Federal Code 25 U.S.C. 323-328

### **FACTS**

Plaintiff Ms. Amboh respectfully submits Reply to Defendant(s) State of Utah Motion to dismiss Complaint for failure to State a claim as follows;

The Quiet Title Act statue is non-existent because Congress specifically said, "to get consent from the Indians". There is no record of consent from the Uinta Band of Indians from Uinta Valley who had undivided interest on the Reserve. Because of non-Indians wanting the property they manipulated Congress created another Act of taking of land without consent. Quiet title and claims should be analyzed under Rule 12(b) (6), United States v Kwai Fun Wong, 575 U.S. 402, 409 (2015).

The Tenth Circuit court of appeals, held (1) County's prosecution of Tribal Members constituted irreparable injury to Indian Sovereignty; 2) Anti-Injunction Act did not bar Federal court from issuing preliminary injunction; 3) Younger abstention was not warranted; 4) mutual assistance agreement between State and Tribe did no waive Indian's Sovereign immunity from suit in State court; 5) Doctrine of equitable recoupment did not apply to permit state and county to assert counterclaims; and 6) County Attorney were not entitled to sovereign immunity. Affirmed in part, reversed in part, and remanded. Ute Indian Tribe v State of Utah, 790 F. 3d 1000 (10<sup>th</sup> Cir. 2015) that stated;

Unless Congress provides on exceptions to the rule – and it has not here – State posses no authority to prosecute Indians for offenses in Indian Country. Cheyenne-Arapahoes v Oklahoma, 618 F. 2d 556, 668 (10<sup>th</sup> Cir. 1980); 18 U.S.C. 1162 (allowing certain states, not to Utah to exercise jurisdiction over crimes committed by Indians in Indian Country.

In, the City of Myton, Utah v. Ute Indian Tribe, Docket non. 16-868 (10 Cir. 2016), 1) Did the court of appeals err in reassigning District Court Judge Bruce s. Jenkins for adhering to this court's verbatim holding in Hagen. 2) Did the Court of Appeals err by holding the town of Myton, Utah, is not removed from Indian Country for the purpose of criminal jurisdiction under 18 U.S.C. 1151.

The Statement of Claim. The boundaries of the Uinta Valley Reserve established in 1861-64 has not been disestablished or diminished, where Plaintiff is protected under and

Page 4 of 6

still in existence Indian Claims Commission Docket 44 and 45 the Uinta Ute Indian v the United States (1957). Uinta Valley reserve is in Indian Country within the meaning 18 U.S.C. 1151.

The Defendant(s) assertions, threats of prosecution and instruction, as set forth above, have been made or issued by the County Attorney and/or the Eight District Court of Duchesne County on behalf of the Defendant(s) and are officials custom of policy of the Defendant(s). The Mille Lacs Ojibwa has standing to sue County over Reserve boundaries. *Mille Lacs Band of Ojibwa v. County of Mills Lacs*, Case No. 17-cv-5155 (SRN/LIB) (d. Minn. Dec., 21, 2020).

Now, the Court makes bold statement and claims of insufficient service of process, and Defendant(s) should be DENIED to use as an excuse. Plaintiff Ms. Amboh should be awarded costs for being forced to respond and protect her Indian Civil Rights against Defendant(s) meritless motions of State of Utah's claims.

## **ARGUMENT**

### **A. DEFENDANT SERVICE ARGUMENT IS IN ERROR**

Defendant(s) claim Fed. R. Civ. P. 4(m) allows only service upon by Plaintiff and does not permit the Defendant(s) to cure service without first withdrawing the original proof of service (Exhibit B):

Amboh v. Duchesne County, et al., (Order Granting Extension of Time for Service), for 30 days, Case No. 2:21-cv-00564-CMR, filed October 28, 2022. Hon. Magistrate Judge Cecelilia M. Romero, and Summons of Civil Action returned Executed: Duchesne County Attorney Stephen Foote, with Affidavit of service filed Dec. 1, 2022, and Summons of Civil Action returned Execute: 8<sup>th</sup> District Court Duchesne County, with Affidavit of service filed on Dec. 1, 2022.

Page

Defendant(s) do not support this claim with any law, because there is none. In fact, the wealth of case law says differently. The general rule is when the court finds service is insufficient, but curable, it generally should squash the service and give the Plaintiff an opportunity to re-serve the Defendant(s). Gregory v. U.S./U.S. Banker Court for Dist. Of

Colorado, 942 F. 1498, 1500 (10<sup>th</sup> Cir. 1991) (quoting Pell v. Agar Nut Co., 711 F. 2d 949, 950 n. 2 (10<sup>th</sup> Cir. 1983), cert. Denied, 509 U.S.941 (1992). Though the Court retains discretion to dismiss an action for failure to properly serve, Courts generally do so only if it appears unlikely proper service can or will be instituted, or if proper service could be futile. Dahl v. Kanawha Inv .Holding co., 181 F.R.D. 673, 681 (N.D. Iowa 1995). In determining if the opportunity to cure is futile, the court weighs the claims made in the case, and if not futile, may extension of time to cure service. Hendry v. Scheider, 116 F. 3d 446, 449 (10<sup>th</sup> Cir. 1997); Petrucelli v. Boh ringer & Ratzinger, 46 F. 3d 1298, 1305 (3d Cir. 1995).

WHEREFORE, the Defendant(s) were properly served, filed papers was served, yet were untimely properly served nonetheless. Plaintiff respectfully request the Court Deny Defendant(s) Motion to dismiss and Magistrate Judge finding also be dismissed.

Roosevelt City, Duchesne County and State of Utah should honor those laws, custom and traditions which predates their form of Government. And Ms. Amboh charges should be dismissed and the jurisdiction of Uinta Valley Reserve should be respected and honored.

Respectfully submitted this 19 day of July 2023

  
\_\_\_\_\_  
Tara Jeanne Amboh,  
Uinta Band in Indian Country

**CERTIFICATE OF SERVICE**

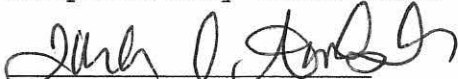
Hereby certify that on 19, day of July, 2023, I have filed the foregoing; **PLAINTIFF'S REPLY TO REPORT & RECOMMENDATION**, which caused parties of record to be served on;

Kyle J. Kaiser  
Christial L. Biggs  
Assistant Utah Attorney General  
Sean D. Reyes  
Utah Attorney General  
160 East 300 South, 8<sup>th</sup> Floor  
Post Office Box 140856  
Salt Lake City, Utah 84114-0856

Michael W. Homer  
Jesse C. Trentadue  
Robert J. Brennan  
SUITTER AXLAND, PLLC  
8 East Broadway, Suite 200  
Salt Lake City, Utah 84111

Tyler Allred  
Duchesne County Attorney's Office  
Post Office Box 346  
734 North Center Street  
Duchesne, Utah 84021

Respectfully submitted.

  
Tara J. Ambon



# Exhibit A

EIGHTH DISTRICT CT-ROOSEVELT  
DUCHESNE COUNTY, STATE OF UTAH

ROOSEVELT CITY, Plaintiff,	NOTICE OF ARRAIGNMENT
vs.	Case No: 201000314 MO
TARA JEANNE AMBOH, Defendant.	Judge: KEITH EDDINGTON Date: December 21, 2020

**ARRAIGNMENT is scheduled.**

Date: 01/11/2021

Time: 10:00 a.m.

before Judge KEITH EDDINGTON

This hearing will not take place at the courthouse. It will be conducted remotely.

Contact the court to provide your current email address.

If you do not have access to a phone or other electronic device to appear remotely, notify the court.

For up-to-date information on court operations during the COVID-19 pandemic, please visit:  
<https://www.utcourts.gov/alerts/>

\* The court will provide an interpreter upon request. If you need an interpreter, please notify the court at (435)722-0235 five days before the hearing.

\* El tribunal proveerá un intérprete si lo solicita. Si usted necesita un intérprete, por favor notifique al tribunal llamando al número (435)722-0235 cinco días antes de la audiencia.

Individuals needing special accommodations (including auxiliary communicative aids and services) should call Eighth District Court - Roosev at (435)722-0235 three days prior to the hearing. For TTY service call Utah Relay at 800-346-4128.

The Order of the Court is stated below:

Dated: January 29, 2021  
05:23:21 PM

/s/ SAMUEL P CHIARA  
District Court Judge



EIGHTH DISTRICT CT-ROOSEVELT  
DUCHESNE COUNTY, STATE OF UTAH

ROOSEVELT CITY,  
Plaintiff,

vs.  
TARA JEANNE AMBOH,  
Defendant.

MINUTES  
HEARING/ORDER OF DISMISSAL

Case No: 201000314 MO  
Judge: SAMUEL P CHIARA  
Date: January 26, 2021

**PRESENT**

Clerk: nicolee  
Prosecutor: STEPHEN FOOTE  
Defendant Present  
The defendant is not in custody  
Defendant's Attorney(s): JUSTIN MORRISON

**DEFENDANT INFORMATION**

Date of birth: September 25, 1973  
Audio  
Tape Number: Rm2 9.01.45 Tape Count: 9.09.50

**CHARGES**

1. INTERFERENCE WITH PEACE OFFICER - Class B Misdemeanor Plea: Not Guilty - Disposition: 01/26/21 Dismissed w/ Prejudi
2. OPERATING VEHICLE WITHOUT INSURANCE - Class C Misdemeanor Plea: Not Guilty - Disposition: 01/26/21 Dismissed w/ Prejudi
3. DISORDERLY CONDUCT - Infraction Plea: Not Guilty - Disposition: 01/26/21 Dismissed w/ Prejudi

**HEARING**

Due to the pandemic, this hearing is being held remotely. The parties are appearing via webex by video/phone for this hearing.

Defendant is seen in Duchesne District Court for Case 201800404.

Attorney Foote requests Roosevelt Case 201000314 be dismissed as the above entitled Duchesne Case includes these charges. The Court so orders.

**CERTIFICATE OF NOTIFICATION**

I certify that a copy of the attached document was sent to the following people for case 201000314 by the method and on the date specified.

EMAIL: TARA JEANNE AMBOH tamboh435@gmail.com

EMAIL: GRANT CHARLES GCHARLES@DUCHESNE.UTAH.GOV

EMAIL: STEPHEN FOOTE SFOOTE@DUCHESNE.UTAH.GOV

Date: 01/29/21 /s/ NICOLE EHRMAN  
Signature

**CERTIFICATE OF NOTIFICATION**

I certify that a copy of the attached document was sent to the following people for case 201000314 by the method and on the date specified.

EMAIL: TARA JEANNE AMBOH tamboh435@gmail.com

EMAIL: ROOSEVELT CITY rooseveltcityatty@gmail.com

EMAIL: GRANT CHARLES GCHARLES@DUCHESNE.UTAH.GOV

12/21/2020 /s/ KELLY SNOW  
Date: \_\_\_\_\_ Signature

# Exhibit B

FILED  
2022 DEC 1 AM 10:40  
CLERK  
U.S. DISTRICT COURT

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

DISTRICT OF UTAH, CENTRAL

AMBOH,

\_\_\_\_\_  
Plaintiff(s)

v.

DUCHESNE COUNTY, te al,

\_\_\_\_\_  
Defendant(s)

Civil Action No. 2:21-cv-00564-CMR

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)  
Duchesne County Attorney  
Stephone Foote  
21554 W 9000 S  
Post Office Box 206  
Duchesne, Utah 84021

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Tara J. Amboh  
Uinta Band Utah Indian  
Post Office Box 155  
Neola, Utah 84053

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Gary P. Serdar  
CLERK OF COURT

Date: Nov 17 / 22



[Handwritten Signature]  
Signature of Clerk or Deputy Clerk

**AFFIDAVIT OF SERVICE**

<b>Case:</b> Civil Action No. 2:21-cv-00564-CMR	<b>Court:</b> UNITED STATES DISTRICT COURT for the DISTRICT OF UTAH, CENTRAL	<b>County:</b> DUCHESNE	<b>Job:</b> 8024443
<b>Plaintiff / Petitioner:</b> AMBOH,		<b>Defendant / Respondent:</b> DUCHESNE COUNTY, TE AL,	
<b>Received by:</b> NIGHT HAWK PROCESS SERVICE & INVESTIGATIONS		<b>For:</b> UINTA BAND UTAH INDIAN	
<b>To be served upon:</b> DUCHESNE COUNTY ATTORNEY, STEPHONE FOOTE,			

I, CLIFF GRIFFIS, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

**Recipient Name / Address:** DUCHESNE COUNTY ATTORNEY, STEPHONE FOOTE, 21554 W. 9000 S. POST OFFICE BOX 206 DUCHENSE, UTAH 84021

**Manner of Service:** DELIVERED COPY OF SERVICE TO DUCHESNE COUNTY ATTORNEY'S OFFICE & WITH INSTRUCTIONS FROM ELAINE/PARALEGAL ALSO EMAILED A COPY TO STEPHONE FOOTE'S DIRECT EMAIL ON NOVEMVER 30, 2022

**Documents:** (21) DAY SUMMONS IN A CIVIL ACTION, COMPLAINT FOR DAMAGES, FOR VIOLATIONS OF CIVIL CONGRESSIONAL TREATY RIGHTS AND FOR DECLARATORY INJUNCTIVE RELIEF, (Received Nov 23, 2022 at 12:19 pm MST)

**Additional Comments:**



NOVEMBER 30, 2022

CLIFF GRIFFIS  
Professional Process Server & P.I. Agent  
#G102701 (UTAH)

Date

Night Hawk Process Service & Investigations  
P.O. Box 26051  
Salt Lake City, UT 84126  
801-989-2976



Night Hawk Process Service & Investigations  
P.O. Box 26051  
Salt Lake City, UT 84126

INVOICE: 8024443  
Issued: Nov 30, 2022

UINTA BAND UTAH INDIAN  
TARA J. AMBOH  
POST OFFICE BOX 155  
NEOLA, UT 84053

PAY TO:  
Night Hawk Process Service & Investigations  
P.O. Box 26051  
Salt Lake City, UT 84126

Case: Civil Action No. 2:21-cv-00564-CMR Job: 8024443	Plaintiff / Petitioner: AMBOH, Defendant / Respondent: DUCHESNE COUNTY, TE AL,
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Item	Description	Cost	Quantity	Total
SERVICE INVOICE	PROCESS SERVICE FEE	\$80.00	1	\$80.00

Thanks for your business. Please pay the "Balance Due" within 14 days.	Total: \$80.00
SERVICE COST PAID IN FULL	Amount Paid: (\$0.00)
	Balance Due: \$80.00

Night Hawk Process Service & Investigations • P.O. Box 26051, Salt Lake City, UT 84126

Call: 801-989-2976 • Fax: 385-238-4660 • Email: nighthawkprocess@gmail.com

FILED  
2022 DEC 1 AM 10:39  
CLERK  
U.S. DISTRICT COURT

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

DISTRICT OF UTAH, CENTRAL

AMBOH,

\_\_\_\_\_  
Plaintiff(s)

v.

DUCHESNE COUNTY, te al,

\_\_\_\_\_  
Defendant(s)

Civil Action No. 2:21-cv-00564-CMR

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)  
8th District Court Duchesne County  
21554 West 9000 South  
21554 W 9000 S  
Duchesne, Utah 84021

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Tara J. Amboh  
Uinta Band Utah Indian  
Post Office Box 155  
Neola, Utah 84053

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Gary P. Serdar

CLERK OF COURT

Date: Nov 1 2022



[Signature]  
Signature of Clerk or Deputy Clerk

**AFFIDAVIT OF SERVICE**

<b>Case:</b> Civil Action No. 2:21-cv-00564-CMR	<b>Court:</b> UNITED STATES DISTRICT COURT for the DISTRICT OF UTAH, CENTRAL	<b>County:</b> DUCHESNE	<b>Job:</b> 8024652
<b>Plaintiff / Petitioner:</b> AMBOH,		<b>Defendant / Respondent:</b> DUCHESNE COUNTY, TE AL,	
<b>Received by:</b> NIGHT HAWK PROCESS SERVICE & INVESTIGATIONS		<b>For:</b> UINTA BAND UTAH INDIAN	
<b>To be served upon:</b> 8TH DISTRICT COURT DUCHESNE COUNTY,			


I, CLIFF GRIFFIS, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

**Recipient Name / Address:** 8th DISTRICT COURT DUCHESNE COUNTY, 21554 WEST 9000 SOUTH DUCHESNE, UTAH 84021

**Manner of Service:** DELIVERED COPY OF LEGAL DOCUMENTS TO COURT CLLERK AT THE 8th DISTRICT COURT IN DUCHESNE COUNTY ON NOVEMBER 30, 2023

**Documents:** (21) DAY SUMMONS IN A CIVIL ACTION, COMPLAINT FOR DAMAGES, FOR VIOLATIONS OF CIVIL CONGRESSIONAL TREATY RIGHTS AND FOR DECLARATORY INJUNCTIVE RELIEF, (Received Nov 23, 2022 at 12:19 pm MST)

**Additional Comments:**

  
 \_\_\_\_\_  
 CLIFF GRIFFIS  
 Professional Process Server & P.I. Agent  
 #G102701 (UTAH)

NOVEMBER 30, 2022  
 Date

Night Hawk Process Service & Investigations  
 P.O. Box 26051  
 Salt Lake City, UT 84126  
 801-989-2976

**Night Hawk Process Service & Investigations**  
P.O. Box 26051  
Salt Lake City, UT 84126

**INVOICE: 8024652**  
Issued: Nov 30, 2022

**UINTA BAND UTAH INDIAN**  
TARA J. AMBOH  
POST OFFICE BOX 155  
NEOLA, UT 84053

**PAY TO:**  
**Night Hawk Process Service & Investigations**  
P.O. Box 26051  
Salt Lake City, UT 84126

<b>Case:</b> Civil Action No. 2:21-cv-00564-CMR <b>Job:</b> 8024652	<b>Plaintiff / Petitioner:</b> AMBOH, <b>Defendant / Respondent:</b> DUCHESNE COUNTY, TE AL,
--	---

Item	Description	Cost	Quantity	Total
SERVICE INVOICE	PROCESS SERVICE FEE	\$80.00	1	\$80.00

Thanks for your business. Please pay the "Balance Due" within 14 days.  PROCESS SERVICE FEE PAID IN FULL	<b>Total:</b> \$80.00
	<b>Amount Paid:</b> (\$0.00)
	<b>Balance Due:</b> \$80.00

Night Hawk Process Service & Investigations • P.O. Box 26051, Salt Lake City, UT 84126

Call: 801-989-2976 • Fax: 385-238-4660 • Email: nighthawkprocess@gmail.com