

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

SAMPLE #1

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

A.A. HOPKINS-DUKES, ET AL

(b) County of Residence of First Listed Plaintiff COMANCHE
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

PRO SE

DEFENDANTS

RONALD TWO HATCHET, ET AL

County of Residence of First Listed Defendant COMANCHE
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (if known)

CIV-12 541

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II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State PTF ☒ DEF ☒ 1 Incorporated or Principal Place of Business In This State PTF ☐ DEF ☐ 4
- Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business In Another State ☐ 5 ☐ 5
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER SUITS
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
				<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 USC 1353, 28 USC 1355, 28 USC 1357, 28 USC 1358, 28 USC 1359, 28 USC 1360, 28 USC 1361, 28 USC 1362, 28 USC 1363, 28 USC 1364, 28 USC 1365, 28 USC 1366, 28 USC 1367, 28 USC 1368, 28 USC 1369, 28 USC 1370, 28 USC 1371, 28 USC 1372, 28 USC 1373, 28 USC 1374, 28 USC 1375, 28 USC 1376, 28 USC 1377, 28 USC 1378, 28 USC 1379, 28 USC 1380, 28 USC 1381, 28 USC 1382, 28 USC 1383, 28 USC 1384, 28 USC 1385, 28 USC 1386, 28 USC 1387, 28 USC 1388, 28 USC 1389, 28 USC 1390, 28 USC 1391, 28 USC 1392, 28 USC 1393, 28 USC 1394, 28 USC 1395, 28 USC 1396, 28 USC 1397, 28 USC 1398, 28 USC 1399, 28 USC 1400, 28 USC 1401, 28 USC 1402, 28 USC 1403, 28 USC 1404, 28 USC 1405, 28 USC 1406, 28 USC 1407, 28 USC 1408, 28 USC 1409, 28 USC 1410, 28 USC 1411, 28 USC 1412, 28 USC 1413, 28 USC 1414, 28 USC 1415, 28 USC 1416, 28 USC 1417, 28 USC 1418, 28 USC 1419, 28 USC 1420, 28 USC 1421, 28 USC 1422, 28 USC 1423, 28 USC 1424, 28 USC 1425, 28 USC 1426, 28 USC 1427, 28 USC 1428, 28 USC 1429, 28 USC 1430, 28 USC 1431, 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FILED

MAY 11 2012

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

ROBERT A. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY CP DEPUTY

CIV. No. **CIV-12 541**

LC 11

A. A. HOPKINS-DUKES,
BRENDA MEYER, STEVEN HOPKINS,
LESTER J. SHORT, MARGARET PENCE,
WYNEMA KAY LOZANIA, Members,
Kiowa Indian Tribe, and successors
In interest to the Federal Treaties
Of Medicine Lodge of 1867., and as
Kiowa Council Members, Council of
July 16, 2011.,

PLAINTIFFS

V.,

DEFENDANTS,

1. RONALD TWOHATCHET
2. AMBER TOPPAH
3. CHARLOTTE BOINTY
4. STEPHEN SMITH
5. RICKY HORSE
6. ALVA TSOODLE

7. DAN DEERINWATER
Regional Area Director
U. S. Bureau of Indian Affairs
Anadarko, Oklahoma 73005

8. ROBYN PHILLIPS
Superintendent
Anadarko BIA Agency
Anadarko, Oklahoma

(more)

PLAINTIFFS ADDRESSE

1. A. A. Hopkins-Dukes
1408 S. W. 6th Street
Lawton, Oklahoma 73501
580 / 514 5300

2. BRENDA MEYER
5024 N. W. 62nd Terrace
Oklahoma City, Ok. 73122 - 9412

3. STEVEN HOPKINS
365 Mountainhigh Drive
Antioch, Tenn 37013
580 /284 0061

4. LESTER J. SHORT
301 Wichita Dr.
Anadarko, Oklahoma 73005

6. MARGARET PENCE
P. O. 351
Cache, Oklahoma 73527

WYNEMA KAY LOZANIA
P> O> BOX 402
Anadarko, Oklahoma 73005

JURISDICTIONAL STATEMENT

SUMMONS AND COMPLAINT

Comes now your pro se plaintiffs and first allege an implicit Jurisdiction under the Administrative Procedures Act to evoke this Honorable Court's close scrutiny of their jurisdictional power to discover if the court can grant relief requested, in this day, if not deterred from scrutinizing the Bureau of Indian Affairs legislative agency action, to determine whether it violates the equal protection component of the United States Constitution Fifth Amendment, and whether or not the agency alleged power of congress over Indian Affairs and over citizen Indians, not of a legislative matter, can be delegated to such agency BIA personal, where used to curtail fifth amendment rights, since the powers of congress may be plenary in nature, but is not absolute: U.S.C.A. 97 S. Ct. 1395; USCA Const. Amend, Five, and Amend. One.

Plaintiffs also allege serious agency disregard and violations of their duty under the trust relationship the United States entered into with the Kiowa, Comanche and Apache Indians created by the Federal Treaties of Medicine Lodge of 1867, 15 Stat. 581, 582, 589., and subsequent treaty implementing legislation, by agreement dated October 6, 1892, approved by Act of 6, 6,1900, 31 Stat. 676,; these three KCA treaty confederated tribes of Indians, occupying their reservation set aside for them from their aboriginal home lands by the treaties. The government received about 120 million acres from the KCA by the treaty, that the KCA had given up, all rights of every kind and nature they had in the lands for peace, friendship, protection and other benefits promised by the treaty. Therefore, the KCA Indians had held their reserved lands, identified by the treaty, in common until the 6th day in June, 1900 when Congress then approved the change by ordering the Indians and their lands to a status of individual land owners by allotments in severalty. The action was protested in a case called Lone Wolf v. Hitchcock, 187 U. S. 553 decided by the Supreme Court on the 5th day of January,

1903 against the tribes. Congress relied on treaty cessions for all of their dealings with the three tribes ever since, as well the disposition of the ceded land and lands reserved.

TWO
(1903)

The KCA Indians had alleged fraud on the part of Secretary of the Interior Hitchcock in violation of Section 12 of said Treaty of Medicine Lodge which required more signatures of the tribesmen. The Court basically said Congress had plenary power to deal with the Indians, and the courts could not look into the allegations of fraud prompting the legislation. The Act had applied the Federal General Indian Allotment Act to the KCA Indians and to their lands, liberty and lives to the fullest extent of the Act of February 8, 1887 (24 Statutes at Large., 388), as amended ,by the Act of February 28, 1891), as did the Supreme Court. The rationale was that the Congress acted in good faith, and the Indians had overlooked their status as denizen "wards" of the United States.

Policy has been racist, for "termination of Indian legal rights by people networked in the Bureau of Land Management, BIA, with Department of Justice Natural Resources section in Washington, D.C. for years, and in 1945 they conducted underground efforts to sterilize the findings of the 1934 cabinet level President's Natural Resources Board, on the need to return land to Indians, and use every departmental scheme to prevent beneficial laws from operating according to what those laws say. The Indian Reorganization Act of 1934 was targeted for ruin, and efforts made to so influence Congress. A white racist supremacist manifesto of unconstitutional proportions of hatred was created for staff use in the Department of the Interior and used in confidential and secret policy making. It was written by James H. Sewart, Office of Indian Affairs, in their "Post War Resources Institute," Washington, D. C., on November 5-9,1945 consulting with Coal, oil and shale and gas companies, cattle

and sheep growers associations, timbering and mining concerns and other public land users, and kept air tight secret from the American Indians & citizens. The basics is, many of the racist players still fill the same jobs in D.C. and throughout the country. They are still punitively oriented against rights of Indians and meet regularly with the same mafia like constituents behind their effort. What was at stake in the 50's and 60's was the public domain lands. Congress adopted the termination policy in 1953 by enacting House concurrent resolution 108 (termination policy). While the Indian people marked time, more than 100 tribes were terminated by termination Acts, each containing a clause that "no Indian of the terminated tribe would be eligible for any benefit under any law or treaty after termination of the tribe." Attempts to withdraw the best public lands from any Indian allotment resulted in many massive "withdrawals" as wilderness, etc, to continue non-Indian leasing policies of BLM while all Indian allotment selections were denied. Those denied Indian allotment selections were denied on the façade that 160 acre parcels was too poor in quality for Indian home sites and at the same time land continued to be sold in five acre tracts to non Indians. Lands applied for by Indians were denied and later opened to white settlement or gifted to states or included in lands leased to white citizens, such as to James Balot near Phoenix. Balot had more than 450 sections, at 640 acres a section, under a grazing lease, upon which his cattle could roam and graze. Balot had the BLM federal lease since 1934 at a cost of less than it cost to buy a bail of hay he could graze a cow and calf all year.

Indian allotment selections denied during the 60's are now in the public market of real estate developments, etc, in non Indian ownership or in non-Indian use. Indian rights was aimed at curtailing unconstitutional BLM activities and BIA opposition to Indian property rights. Finally, in the Nixon administration, termination was denounced by President Nixon and by then, the Tribal Indian Land Rights Association had outgunned a national propaganda program to discredit the rights Indians have to take public lands as an allotment

pursuant to 25 USC 334, 335 335 345-346, 8 USC 1401(b), as U.S. Citizens entitled , as vested rights reserved to them under their Citizenship Act of June 2, 1924 (43 Stat. L. 253. Federal District Judges were given jurisdiction to hear and issue the allotment, if petitioned for by an Indian who was unlawfully denied such allotment. A trust relationship duty where ever the Secretary of Interior's denial was arbitrary or capricious. The trust relationship of the United States to Indian citizens, the TILRA Indians claimed, was constitutional under the Fifth Amendment, Nixon agreed and asked Congress to repeal the termination policy and to substitute self determination, and self-government with federal assistance to Indians. Congress made progress in the area of our national Indian policy, but ignorance among some tribes' elected officials have not been capable of building tribal government, for reason they see the possibility of economic advancement as an opportunity for self enrichment and most all of them are self seekers without any real feelings of love for their tribal people, and are very dishonest viewing tribal owned resources like a pie with slices to be plucked until the pie has been devoured. Hired by the tribe as tribal servants, as any public servant is hired or elected, they gain a bit of attention, perhaps for the first time in their lives, and they play the roll as "tribal leaders" even though they know they could not lead a hungry dog to a bone. The psychological studies of Comanche Deborah Kay Hendrix, an award winning writer, identified the problem with every KCA business committee of short life spans of time , as from a tribal area where the only employment possibilities were limited BIA employment to be found for Indians. Only a few were farmers and their lands allotted to them from their reservation were leased out or rented. The small incomes were not enough to exist on. Prejudice and bias in the operation of local governments were bad. News media locally reported only Indian material slanted towards BIA interpretations whatever the issue, or with whom issues that involved the area , were BIA checked prior to printing. The same was the rule where the State and County official were

involved. Infractions of Indian civil rights never made local press. Locals spoke of the Indians as "our Indians" whom had made "a lot of progress." It was a border town atmosphere.

TODAY

Therefore, The National Indian Policy changed , and will change again, The massive withdrawals of public domain lands continued which places the lands beyond disposal as home sites under the allotment Acts (25 USC 334, 335 336,) and no lands are classified for entry. The lands taken in 1907 and set aside for "state school lands" and never used for such purposes were leased to white farmers, oil and gas and other companies by the State Land Office. And like other remaining public lands within the former reservation boundary, returnable to orphans of the tribe as allotment by BIA (25 USC 332) was never done by BIA and on the racist theory the lands remaining in the vacant public domain in Western, Oklahoma, were declared unsuitable for Indian allotment and were sold to adjacent or near by white persons by the Bureau of Land Management. BLM operated an office in Oklahoma City during the 1960;s to dispose of the public domain lands. "Business Committees" for the tribes had no interest in the returnable lands, even where the statutes provided federal courts jurisdiction to entertain Indian actions for the lands. BLM was never approached by the tribes. The way of life in BIA, BLM is definitely punitively against the Indians, as a matter of race hatreds, and pervert the laws having benefits for Indians. The policy of operation is built on racism of the worse kind. No amount of denials change those facts. The "Business" Committees of the tribes have all had their elected thieves among them, but no more than about fifteen, Comanche, for instance were indicted by the federal government since 1967, and most of those received small sentences of time, suspended, restitutions etc. Respected members of the tribe protested the embezzlements by other respected members turned crooks.

No use to name them here, they are all about the same, in each of the KCA tribes. After convictions, they show no remorse or shame, continue their church, or pow - wow, activities and are never changed in their own petty bias against other treaty descendants. The Deborah k. Hendrix studies have identifies the rather strange behavior as one of the major problems which is detrimental to tribal future as an unique psychological problem. This is not some unfortunate inheritable defect, of course, but learned behavior aroused during formative years, say preschool, within the southern plains Indians. Their tribal background are unique, having survived a federal policy of extermination of man , woman and child, following the Civil War, when hunted down by the left over military most heavily armed for combat. It was gruesome days with treaties demanded to give up their aboriginal lands. The Indians were being removed and killed off ,along with the mighty buffalo bison herds. Forty to fifty thousand hides were shipped east on some days from Dodge City Kansas. The military were used to protect the hunters of body parts and used the spread of small pox among the KCA Indians, buried around Fort Sill and Lawton piled into long trenches for mass burials. Three armies were pitted against tribes further west, like the chief Joseph band of Nez Perce on their long flight over frozen mountain tops attempting to reach safety and among whites beyond the Canadian border. No tribe was spared the crushing greed for empirical expansion and most of the Indians affected were peaceful, honorable people whom had made up part of over five hundred small democracies. Soldiers participating in massacres of peaceful Indian, such as at Sand Creek and Wounded Knee, were given congressional medals of honor by the hat-full for their gruesome work. The reservation Indians, for the most part lived under starvation conditions in them days and to them the intruders were like a Frankenstein monster. Indian ways of life mostly died. Mother nature gave the Indians everything they needed to survive and that was all disrupted by foreign intruders they had received in peace. They were not the

savage people portrayed by the religions of manifest destiny but were people of their word and respected the treaties when made. In other ways, they would fight back when attacked and honored their hereditary Chieftains as well warrior leaders of bands. Not all the plains Indians fought back, but they all left a legacy of a brave people in a fight for their freedom and human rights. It was long after the fighting stopped that the reservation Indians were adjusting to new ways and they bridged the gap from their primitive ways in a single generation. There was nothing left as an alternative, their economy had been destroyed. It was during this time forward that Congress, by their yeas and nays experimented with Indian policy. For the Indians, the old ways were gone, and their religions were being suppressed by the major organized religions that received free land to preach among the Indians. Some were quacks and some were doing good work, befriending the elders. The BIA had been established in the War Department then removed to the Department of the interior. It has been a punitively operated operation from the start. Federal Indian schools took the children away from home to "make them non-Indian," for all purposes and forbid use of their native tongue, their songs, etc.

The young knew of the heroic stand made by the Indians against genocidal efforts. They have also lived in fear of the government and governmental efforts of the white racists in the government. Once back at the reserved lands, the students found practically everything they had been taught at school useless. The pow-wow clans developed and those whom could afford it developed dance grounds. The Indian Peyote religion came under the attack of the white missionaries whom did not understand the traditional Indian religions. Ekeahpahoodle (Kiowa Charlie), in an attempt to save the religion from white attempts to eradicate the Indian Religions by outlawing its meetings on Indian reserved lands were gaining strength, so Kiowa Charlie chartered the Native American Indian Church under a state of Oklahoma Charter. The concept of Christianity and Jesus Christ, as a man god,

was incorporated into the chartered church's description .

The traditional, however, like Charlie's grandson, A. A. Hopkins-Dukes, remain traditional in belief and his beliefs are simple and close to nature as any existing, world wide. Any belief is only a belief, but can become a tool, good or bad. Some people today pray all day then become human bombs using themselves to raise dust as a car bomb terrorist. Generally, Americans are more concerned with life. The BIA is never a concerned party, although the Indians, the Treaty makers were all traditional in 1867 and the treaty to them were to be honored as law for all persons. BIA, was established as the parties to whom such protests are made, for the enforcement of the trust, and police of the remaining KCA lands held in trust, for the allottees and their heirs, the successors in interest to the treaties of Medicine Lodge. In this matter , the BIA is absolutely wrong but does not have to continue to be wrong, and the Tribe needs proper assistance, and a forum to protect the federal jurisdiction which exists as exclusive under a federal trust created for such purposes.

By The Indian Naturalization and citizenship Act of June 2, 1924 (43 Stat. 253) codified at 8 USC 1401(b). Congress acted under their constitutional power to supply a "uniform rule for naturalization" and did so for all Indians born within the Territorial limits of the United States, whether or not they had any organized "government." Public land allotments were also provided for under 25 USC 190, repealed in the 1960's.. when the Homestead and Small Track Act were repealed.

The BIA had been forced to issue scrip which are Certificates of Entitlement to take Public land allotments and still do. The Indian Citizenship Act of 1924 also provided citizenship "provided that the citizen Indians "shall retain their rights to share in all tribal and other property ." Indian activists were successful in having the Congress repeal the alleged authorities, like the Midwest oil case, relied on by the executive departments to withdraw lands from settlement. This was done, however, during the last Bush administration, the president was successful in having Congress make the

last withdrawal, alleged for reasons of ecology, What this means is that Indians, entitled to allotments under the laws, can apply ,but the withdrawal are now done by Congress. During the last weeks of the last Bush administration. The BIA ,BLM and Congress returned to their lawlessness. The Department is a racist operation but even the courts refuse to admit that such hard core racism still exists or ever did. The District Judges in the districts where the allotment are sought by individual Indians for an allotment home-site are given jurisdiction to order the allotment, just as if made by the Secretary of Interior, and their duty is to the law and what it says, but the Secretary is accorded " deference" and no allotments are allowed. The secret termination papers mentioned above is under ground BIA policy to achieve the same type of results. This is not a matter of labels but points to a situation where BIA officials view their duty to alleged BIA policy rather than to the law and what it says. The exact clear wording of the Indian citizenship act is rendered meaningless by agency action. The policy is solid throughout the Departments. The lawyers in the Justice Department claim there exists a "conflict of Interest between Indian rights and the United States." Their duty, however, is to the law and what it says. The denial of equal protection and due process of law is a fact. The courts say it is policy of Congress. Congress has enacted the Indian Civil Rights Act of 1968 to assure Bill of Rights protection for Indian citizens. If justice is ever to be found, it has to begin with the Lower federal court willing to scrutinize their own jurisdiction to determine they have the power to require equal protection of the laws be afforded Indian citizens. That Congress meant what it said. Not some façade fantasy called "policy". Law is Law.

In the present case , the BIA officials have refused to act to protect the rights of the Kiowa people. The people are the governing head of the tribal quasi-limited sovereign government and their elected officials are subject to the tribal constitution the BIA assisted in drafting and approved, for use of the Kiowa people to show they were recognized by the BIA to receive federal services under the laws which

provide such benefits. See: IRA and Okla. Indian Welfare Act.

Section 6 of the Treaty of Medicine Lodge requires that all the Kiowa Indians have rights of the federal trust relationship they have with the United States, as successors in interest to the Treaties of Medicine Lodge. No single Kiowa can be any more entitled to any benefit derived from being a successor in interest under the treaty than any other person, whomsoever, they may be, that have descended from any original Kiowa allottee, that appears on the rolls, and the very nature of that trust relationship is defined by the treaties which clearly define that relationship and the exact ceded lands, powers and authority, ceded by Kiowa ancestors, and the validity the cessions agreement. Section 6 of the Treaties of Medicine Lodge is absolute clear with respect the assumptions of jurisdiction with respect tribal government and legislation provided by the United States which fixed, jurisdiction, descent and alienation of properties, government of said properties and every question about government of the reservations reserved lands including the internal police thereof. The cessions were clear. Such is the federal government's burden. It equals protection. , It is constitutionally binding on every Kiowa member. Equal protection and due process is over due.

The KCA Indians have mixed marriages but do not consider them selves to be members of both or all three tribes but are members of the tribe of their family and of family with which they are raised and enrolled by their parents.

Any other construction will do more harm to the remnant KCA Indians than good. The remnant members of the tribes are quasi-sovereign entities and only to the extent sovereign entities as their treaties with the United States allow. They are truly a people dependant upon the treaty relationship for their survival. They cannot survive as a sovereign nation and no matter how they are denominated, they are each American citizens and subject to the Constitution, laws and the treaties to which their forebears entered into with the United States. The United federal government has preempted the field and the trust relationship is as permanent as the Supremacy

clause of the U. S. Constitution: & 25 USC 71. As long "as the grass grows and the water flows." As American citizens with treaty benefits, they exist among the non-Indian Americans whose ancestors have perhaps benefited the most by their treaty contracts made with the Indians KCA Indians.

It was never doubted that the KCA Indians were subject to the Treaty of Medicine Lodge and the tremendous undertaking by Congress to abide by those treaties as near as possible. By and large, the KCA Indians have survived but they are not the force of victus, a foreign state capable of calling legitimate action of judicial power of nations into

force of original jurisdiction of sovereign nations against a Sovereign United States. Rather they are federal citizens with Certain federal rights which are federal any where they may be found and they are citizens of the states in which they reside, and they are bound as much as the United States are bound by the articles they have signed. As an American citizen. To say they have no rights to have rights IS racism/- Naturalized, there is no dependance so anti national, or so utterly subversive of national existence, as transferring to the national government the ability of restraining of the very personal liberties of tribal members, or management of their affairs at their pleasure, or to refuse to abide by the law that is required by the federal government , both civil and criminal. Personal rights of Indian citizens includes equality.

The KCA are not monarchs of some foreign power but are citizens of the United States and their property is subject to exclusive federal jurisdiction and federal trust relationship.

If there is a problem we look to the US Code . Not to the sixteenth century ignorance of foreign laws, nor to Emmerich de Vattel, Victoria, Groitus, or other international law writers, nor can we worry over the slaver Columbus and his voyage down the coast planting a flag here and there. The intruders and the aborigines are much wiser today. We cannot, however, create a tribal government run by ignorant thieves among us, that pervert the atmosphere and are harmful to the Kiowa people. We cannot allow crooked anarchy to exist and greedy self serving persons to curtail our freedoms with

their crookedness. We cant allow that. We need help, and think we have the right to appeal to the Federal Court system. We are a federal enclave. Our properties are under a federal trust. The federal government has demanded the trust relationship. Section 6, Treaty of Medicine Lodge of 1867. The trust relationship requires an FBI investigation.

We have a definite treaty relationship and exist under federal law. We have an approved tribal constitution and we Have acted in Kiowa General Council, in accord our constitution, to recall the previous Business Committee members with only one person remaining. The tribal Treasurer. The recall was for cause. We seek help. The law and order provided for by the Treaties of Medicine Lodge of 1867, and now appearing in federal criminal and civil statutes. It is a crime for any person to embezzle or steal from any Indian tribe or organization, and especially the KCA tribes. Whoever those thieves may be, there is no sovereign right to steal or break the federal laws for the protection of the Indian people. It is a myth. The federal U. S. Attorneys have a duty to enforce those statutes, and lawbreakers deserve the sentences now provided for such crimes against the tribes, whomever those people may be. The full prosecution would have several persons looking at twenty years in prison, fines and restitution . We have no objection to prosecution by our federal government of those crooked persons among us. The FBI. BIA, and the Courts should be concerned, and we are entitled to civil relief from unlawful acquiescence and omissions of duty which can stop such criminal activity on every inch of Indian trust land in the country. There can be no federal trust lands too large or too small where the federal trust responsibilities cannot reach. In the matter of state jurisdiction, it does not reach, and the BIA CFR Courts of Indian Offenses is without jurisdiction to hear or enforce the Civil rights statutes, nor do they have jurisdiction of the trust allotments assigned to the federal courts by statutes. Examples are 25 USC, sections 345, 346, 28 USC 1353, or the reconstruction civil rights acts and are powerless to enforce such statutes, even the Indian Civil

Rights Act of 1968, against the tribes or non-Indians, for reason they are in reality kangaroo operations without U. S. Constitutional limitations and therefore are not courts at all.

The Bureau of Indian Affairs, however, has a duty to law and what it says. We can no longer allow BIA sit as a shield for their adverse punitive operations. We have NO FORUM and no further avenue of appeal, that is not absolutely futile. We must appeal to the District Court. Federal jurisdiction over the subject matter is exclusive. Therefore, our Prayer to the Court will follow in the same context as our cause and nature of the background we as herein stated. We are not here as attorneys or member of any bar but as members of the class of citizens of the United States whom are likewise all members of the Kiowa General Council seeking protection for our lives, liberty and properties and due protection from the the oppressive lawlessness, and corruption which denies to our tribal people a truly Constitutional form of government promised to us as the main reason the Kiowa people entered into the Federal Treaties of Medicine Lodge of 1867, and in particular Sections twelve (12) and six (6) of said treaties from which springs a constitutional system of law and order imbeded, as it is, in the treaty provisions to the full extent of the Supreme Law of the Land so declared under the Constitution and laws of the United States. Even the foreign policy of the United States was declared to be the Four Freedoms by President Franklin D. Roosevelt to be: The freedom of speech, religion, and from want and fear.. It is those freedoms we seek for our people. Once and for all, our right to remain free from anarchy and oppression without fear of corrupted evil terministic policy decisions of the people working for the BIA and our right to hold our properties under Constitutional guidelines protected by U. S. Constitutional Amendment Five and the rest of the Bill of Rights with full rights of the freedom of speech, and to have the same right to the federal forums other citizens have to the protections of our property rights under the principle of constitutional law, equal protection under the laws and what

they say. Not invented by racist policy statements. We know the vast majority of the citizens of the United States are in agreement with our desire for the four freedoms our country is said to stand for, world wide. That is the basis of our appeal to this Honorable Court, for our Indian people. There is no reason to bend the constitution out of shape by ignorant prolixity by our legal profession whom have not produced over a dozen constitutional trial lawyers in the whole of the history of the United States.

There was no reason to support anarchy over tribal recall. The recall was for mismanagement, self seeker behavior and For pilfering from the tribe, increasing self payment without the knowledge of the council and hiding their crooked actions from the council. The other misuse of the tribal funds. Misuse of tribal funds is a federal crime. BIA is remis.

The recalled committee, refused to leave the tribal complex. The Bureau of Indian Affairs went against the tribal action to remove the committee. Letters were issued to allow the crooked persons to stay and in the complex.

The result was , large amounts of tribal funds have been pilfered and embezzled, huge amounts of cash paid out to those illegally in the complex. The Treasurer was booted out of her office, the door slammed on her injuring her. People were hired to guard the crooks in the complex whom were not Kiowa Indians, and had no right to be there. The general council met but were not allowed to fully address the situation and more "security" has been hired since. Federal funding and tribal funds have been embezzled, unlawfully in In huge quantities has come up missing such as Casino money, 20 percent funds and other funds have been missing and used illegally . A complete state of lawlessness exists.

Tribal people have been locked out of the Complex, and the election board was locked out, to prevent the scheduled new election as required by the tribal constitution. The situation can lead to big trouble if lawlessness here continues where the final confrontations can lead nothing good but loss of

life. The problem is more serious than ever and growing worse. We need assistance from the federal Court system. We need prosecution for the violations of federal law so such evil lawlessness cannot be carried on again in federal jurisdiction. Again, the matter is governed by federal laws.

Due to the fact that most of the Kiowa people whom are the aged elders and elders whom reside within the areas of Carnegie, Anadarko, Lawton and rural areas near our Kiowa Tribal Complex have always had freedom of use of their installations, but have now found themselves locked out, by those recalled by the Kiowa Indian Council , governing head of the tribe. Unable to get into the Complex, being met by what elders call the "Twohatchet Goon Squad" with bullying actions , and are under threats and terrorist demeanor. The terrorist acting group are nothing more than trespassers and are in violation of law within a federal conclave jurisdiction.

None of whom belong in the complex, with some alleged to be security people hired by Twohatchet, some known to be persons not Kiowa, but to be persons with records for beating women and children, called hired "escort security", and others unknown, or 'employed' by Twohatchet, the recalled by the Kiowa tribe General Council and those whom now illegally occupy the tribal complex since being recalled. .

The tribal vote to recall the tribal defendants, once Business Committee members, with the exception of the lady Treasurer, June Artichoker, whom has honestly attended her duties, and regularly has attempted to carry on her duties, had her name illegally attached to illegal bank withdrawal, and tribal papers, for use of those trespassers whom locked her out of her office. She claims a non-Indian employee in the finance department slammed the door in her face, causing injury to her , and she has told the tribal meetings about the manner in which the defendants have used their illegal occupation of the Complex to their self-seeking interest of manipulation of funds of the tribe illegally. The blatant misuse of tribal resources has been brought to the attention of the local BIA Superintendent and the regional

area director of the Bureau BIA, Indian, but whom did not respond with help but gave the recalls their support. The Indians say some of the fault is attributed to other BIA employees, one a Kiowa, closely related to the recalled Two-hatchet Kiowa Complex trespasser with line authority directly under the agency superintendent, whom is a defendant here.

Although the federal BIA defendants may not be aware of the funds and assets of the tribe the trespassers illegally have and continue to squander, they stand in acquiescence to the fact that the Kiowa tribe's Governing Head of the tribe, in general tribal council, legally assembled for such purpose and after deliberation, faced the recalled members and recalled them. They were out. The Treasurer remained in office. Other members working at the Complex were not affected by the recall. The Treasurer alleged blatant misuse of the tribes funds by those recalled. The Treasurer sought to freeze access to the tribal bank accounts and funds pending efforts to have the situation investigated and audited for every kind of misuse of tribal resources and assets. The BIA sided with the recalled and ignored the tribal action of the general Kiowa Council, for the most part, and they had no legal authority or duty to do so. The BIA can be wrong but does not have to continue to be wrong. The tribe became a victim of self seekers without forum for recourse.

The BIA alleges to investigate tribal funding and use of the federal program funding annually, but they are remiss. The CFR title 25 does have some guidelines (sec. 1000.10, at 5991, et seq.,) about funding agreement which describes eligibility criteria. CFR requires that if sufficient data are present to indicate imminent jeopardy, the Secretary's designated representative, will notify the tribal consortium' in writing, and may conduct on site investigation .It describes funding criteria, tribal participation in tribal self-governance authorized by section 402 of the Self-Governance ACT OF 1994, . Cfr 1000.11 IS ABOUT "AN APPLICANTS POOL OF TRIBES / CONSORTIA that the Director of the Self-Governance Office has determined are eligible to participate in Self-Governance !. Two types of entities are eligible to participate

in self-governance (a), tribal Indians and (b) Consortia of Indian tribes. The Kiowa tribe of Indians, does not exist without Indian citizens with a Kiowa (BIA secretarial drafted and approved) constitution in which was participated in, in drafting and approval of constitution from the BIA, and was "needed" to receive federal assistance from BIA programs. The tribe, in order to receive assistance required having to subject the Kiowa people to BIA , a forever failure, enemy of the Indian people, being punitively oriented against Indian rights., Throughout their history and, unconstitutionally oppressive. They make self-determination an impossibility.

The Kiowa people, however, are all of those recognized as the descendants of the Kiowa Indians whom are parties to the Treaties of Medicine Lodge of 1867 whose descendants are successors in interest under the treaties of Medicine Lodge of 1867, and under Section twelve (12) and section six (6) thereof. When Tillet, a Kiowa Comanche Indian alleged to the District Court, Western District of Oklahoma, that the CFR Court of Offense was punitively operated against the Indians and had no avenue of Appeal, Judge White found Tillet must first exhaust her administrative remedies and could then appeal to the U. S. District Court., BIA established a CFR Court of Appeals in Oklahoma City. The U. S. Constitution is still considered foreign to the Court which alleges to "sit as a tribal court." The Kiowa General Council has informed BIA that the tribe by vote of the Council no longer will approve their operation as a tribal court. for reason of the lack of justice, or Constitutional guidelines. That CFR, decisions lacked equal protection, due process, appeals for justice there, is futile, and not tribal.. The Comanche tribe has taken the same stance.

Congress has realized that they should require the Bureau of Indian Affairs to shape up and abide by the Acts of Congress and what they say . But they stopped short of dismantling one of the most egregious mistakes they ever made by creation of the BIA, always opposed to operation of beneficial Acts which are enacted to advance the rights of Indians. BIA has always used all but about ten percent of money appropriated for the betterment of federal Indian policy for its own punitively

oppressive operation expenses. 25 USC 450 is now a façade. Not change and reform but an operation of racist servitude in America.

However, there is no doubt BIA employees are subject to the Administrative Procedures Act, The Due Process, and Equal Protection component of U. S. Constitutional Amendment Five and they cannot be considered to exist outside the full Bill of Rights protections, the Civil Rights Statutes of the United States and their requirements of lawful operation according to law. The Indian Civil Rights Act of 1968 may not give rise to jurisdiction by itself but it is Federal Law of what it clearly states, which Congress had a plenary power to provide. There is nothing affecting the Kiowa, Comanche and Apache Indians that says Congress had no right to provide the law, and it is a mere update of the sixth section of the Treaty of Medicine Lodge of 1867, and many statutes provide Jurisdiction of this Court, we believe. Our Kiowa people are subject to constitutional federal law, Just as slavery is illegal in this country, willful, blatant, operation of the law, in violation of the statutes in support of agency oppression and mismanagement should be restrain able in a federal forum of proper jurisdiction

SUMMARY

Against this background, and lack of jurisdiction in any other Court of proper jurisdiction in this matter where Congress has authorized relief : (Kiowa Tribe v. Techs, Inc, 523 U. S. 751 (1998), the plaintiffs appeal to This Honorable Court.

The entire Kiowa tribe of people are United States citizens, and of the states in which they reside. The Kiowa Indians cannot be said to be geographical. Many were relocated to urban areas under a termination relocation program where they Sought employment. They retain family ties and think of the former KCA reservation area as home. They retain land rights and other rights under laws applied to their tribe by Congress: eg., 25 U. S. Code, Indians, sections 334, 335, 335, 345-346 and their tribal membership and U. S. Citizenship (8 USC 1401(b). Every descendant of the original allottees retain equal rights as successors in interest under the treaties and treaty implementing legislation as any of them have, Without those rights they have nothing tribal wherever they now reside. Some

of the locals, naturally ignorant look at tribal resources as their own to be appropriated to them as their own piggy bank, to be taken by hook and crook methods, or illegal embezzlements, if they can manage a method to do so. That has to stop. The aged and children are honest, mild, beautiful people. Those whom are crooked are well known as leaches on the tribe, and they know themselves. They recycle their illegal efforts to steal from the tribe all their lives, without remorse. It is harmful to the tribe, prevents honest economic prosperity and is a cause of poverty. Over all, the BIA is a cause of lawlessness and apathy among the Kiowa people. The Kiowa are enslaved to the ever present punitively operated BIA federal operations. It asserts total control and unconstitutional BIA/BLM policies and jurisdiction in this matter over the Kiowa Indian people's properties. Federal court jurisdiction in this matter can help the tribe to have a legal forum under their First Amendment rights, for protection their Fifth Amendment guarantees, concerning their property rights and basic inalienable rights to the Fifth Amendments component for equal protection and due process of law. The requirements of the Indian Civil Rights Act of 1968 Must become a reality and substitute law for honest progress.

Their very citizenship and Naturalization Act of June 2, 1924 (43 Stat. 253), codified at 8 U. S. Code 1401(b) grants United States citizenship and provides they "shall be entitled to share in all tribal and other property." The Kiowa tribe needs help.

PRAYER

Plaintiffs pray the Honorable Court take this case under their advisement to allow the Kiowa people of the general Tribal Council a day in Court, and bring the defendants before the Court so the tribal people may seek reimbursement to the tribe for all tribal funds misused without proper authority during their time in the tribal office, prior to and after being recalled.

To include unauthorized salaries and illegally pumped up salaries and illegal overtime payments, to self and to others, or Kickbacks, payoffs, tribal embezzlements and mismanagement losses to the Kiowa tribe, and an accounting of all funds

received from any tribal source including tribal gaming and or casino operations to which they were not entitled.

For an Order to the Bureau of Indian Affairs to immediately put in force a BIA supervised call for a Kiowa General Council to be held in the Red Buffalo Hall at the Kiowa Tribal Complex at Carnegie, Oklahoma. The purpose of such Council shall be to install tribal interim officers to fill the vacancies of the Kiowa Business Committee whom were recalled by the Kiowa Council held on July 16, 2011 . The said Tribal Council to appoint, from the general council in attendance such interim officers from nominations given and seconded, and accepted from the Council membership after a vote taken of the accepted nominees. Such elected people shall be elected at the discretion of the General Council assembled and immediately placed in office, as interim officers to serve until a tribal election shall be held. The date of the tribal election shall be announced at said council and be final, The exception that those recalled committee persons recalled by the council of 7/ 16/ 2011 shall not be eligible to serve , run or hold any tribal office for five years from date of recall.

No person employed and fired for cause during the past five years should be allowed to serve on the interim committee but all other persons, without a conviction for an offense against the Kiowa tribe, may be nominated from the tribal council assembled. Such interim general council members selected in meeting may be paid for work performed at rates prior approved by the council while in session but in no case shall any salary or compensation be excessive or allowed by any person but the Council in session. No tribal persons salary shall be padded. The interim committee shall cause a study of all persons receiving compensation from the tribe from employment or otherwise and order a forensic audit of all departments for past or present graft and corruption, mismanagement or embezzlements, with the results where crookedness is found, to be turned over to the United States Attorney . Officers and employees whom steal or embezzle monies, goods, merchandize or other property from a tribal

gaming establishment is subject to federal prosecution under 18 U. S. Code 166, and may be sentenced up to twenty years in prison and /or pay a fine of up to \$1,000,000,00 per offense.

The defendats given cover by the BIA and illegally holding the Kiowa tribal complex with the Election Board locked up for almost a year except for one day when the locks installed by the trespassers were opened by the Tribal Treasurer, the only person legally in office, but she had the door slammed in her face by Ross Harris, a non-Indian employee finance director, breaking her eye glasses and causing physical injury'. June Artichoker, the elected tribal treasurer is in her seventies. The situation with BIA in protection of the anachists is fast building into a dangerous situation. The Kiowa tribe is not going to allow that kind of treatment of its elders very much longer.

The Bureau of Indian Affairs is remiss. The Court should cause them to appear and show lawful cause. The standard malarkey used by the BIA is that the BIA is not required to make any recognition decision during a Tribal leadership dispute if an interim recognition is not needed for a government- to - government purpose and they rely on Obama's pre-election statement that he was going to deal with the Indians "on a government - to - government basis," and Rick D. Poe v. Pacific Regional Director, BIA, 43 IBIA 105 (2006), unless the purpose of an interim Federal and tribal governments ***require*** if failure to do so***jeopardize the continuation of BIA necessary services***within the Tribe's jurisdiction. But here, the Kiowa is the head of the Tribal government, the people. The BIA can be wrong but does not have to continue to be wrong. BIA may have their connections with the redcalled, but they have lost all respect of the Kiowa people. Assistance is sought for reasons set forth in this complaint. We will seek a class action.

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Plaintiffs also pray for whatever relief to the Court seems reasonable and just. Respectfully submitted,



Plaintiffs:, A. A. Hopkins-Dukes, et al. phone{ 580/ 514 5300.

-21- 1408 SW 6th St
Lawton OK 73501

Steve Hopkins STEVE HOPKINS

Ina Bishop
exp 6-12-14

Wynema Kay Lozanica - Wynema Kay Lozanica

Ina Bishop
exp 6-12-14

A. W. Hopkins - Duke
1408 SW 6th ST. (3)
Lawton, OK 73501

Brenda Myers

Ina Bishop
exp 6-12-14

John J. Hatt

Ina Bishop
exp 6-12-14

Wynema Kay Lozanica

Ina Bishop
exp 6-12-14

PUNITIVES

If Necessary: Plaintiffs Address

The Plaintiffs submit their complaint to the Clerk of the Court for filing this 11th day in May, 2012, and if necessary, motion for Leave to File Nonconforming Brief as their Complaint, and prayer to the Honorable United States District Court for the Western District of Oklahoma. The plaintiffs are pro se, and in addition to their prayer, will file a Motion to allow class action. Respectfully submitted: Members, Kiowa Council, PLAINTIFFS.

1. A. A. Hopkins- Dukes

2..Brenda Meyer

3..Steven Hopkins

Lester J. Short

6.. Margaret Pence

Wynema Kay Lozania

1. A. A. Hopkins-Dukes
1408 S. W. 6th Street
Lawton, Oklahoma 73501
580 / 514 5300

2. BRENDA MEYER
5024 N. W. 62nd Terrace
Oklahoma City, Ok. 73122 - 9412

3. STEVEN HOPKINS
365 Mountainhigh Drive
Antioch, Tenn 37013
580 /284 0061

4. LESTER J. SHORT
301 Wichita Dr.
Anadarko, Oklahoma 73005

6. MARGARET PENCE
P. O. 351
Cache, Oklahoma 73527

WYNEMA KAY LOZANIA
P> O> BOX 402
Anadarko, Oklahoma 73005

RG:

A. A. Hopkins-Dukes
ET AL

Plaintiffs

Donald Two Hatchet
ET AL

Defendants

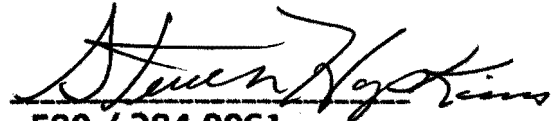
Interested Parties

- ① U.S. Attorney General
Dept. of Justice, Washington D.C.
- ② U.S. Secretary of Interior
Dept. of Interior
Washington D.C.

CERTIFICATE OF SERVICE

This is to certify that I have this 11th day in May, 2012 served the defendants by certified mail, and each of them as well the interested parties, U. S, Attorney General, Department of Justice, Washington, D. C. and Solicitor General, Office of the Solicitor, Washington, D. C.

Each defendant served by Certified Mail, Return receipt requested, postage prepaid:


580 / 284 0061
Plaintiff, pro se

DEFENDANTS SERVED

1. RONALD TWOHATCHET
320 n. w. 63RD St.
Lawton, Oklahoma 73505

2. AMBER TOPPAH
403 B G Street
Elgin, Oklahoma 73538

3. CHARLOTTE BOINTY
112 Poolah Parkway
Anadarko, Oklahoma 73005

4. STEPHEN SMITH
5647 N. W. McIntosh Road
Lawton, Oklahoma 73507

5. RICKY HORSE
311 Elmwood Terrace
Anadarko, Oklahoma 73005

6. ALVA TSOODLE
P> O> Box 39
Apache, Oklahoma 73006

7. DAN DEERINWATER
Regional Area Director
U. S, Bureau of Indian Affairs
Anadarko, Oklahoma 73005

8. ROBYN PHILLIPS
Superintendent BIA Agency
Anadarko, Oklahoma 73005