

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED - GR

March 17, 2015 10:22 AM
TRACEY CORDES, CLERK
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

BY: mkc / SCANNED BY: *[Signature]* 3/17/15

PHILIP C. BELLFY, *pro per*
MONICA CADY, *pro per*
JAMES A. LEBLANC, *pro per*
DIEDRE J. MALLOY, *pro per*
NATHAN J. WRIGHT, *pro per*
and John Does,
and Mary Does,

Case No. _____

HON. _____

1:15-cv-282

Robert J. Jonker
U.S. District Judge

Plaintiffs, *pro se* litigants

v.

KEITH CREAGH,

Defendant

MOTION FOR TEMPORARY RESTRAINING ORDER

Plaintiffs state in support of this motion:

1. An action has been instituted between Plaintiffs and Defendant, and it is necessary that a restraining order on ex parte application be issued on behalf of Plaintiffs restraining Defendant from doing the following acts:

A. The Court should immediately preliminarily enjoin Defendant, or other State of Michigan officers, employees, agencies, subdivisions, successors, or assigns, from approving the land transactions involved in the Graymont-Rexton Project. *Ex parte Young*

B. The Court should also immediately preliminarily enjoin Defendant, or other State of Michigan officers, employees, agencies, subdivisions, successors, or assigns, from approving any land transactions that adversely affect the usufructuary, occupancy, or any other rights of American Indians throughout the 1836 Ceded Territory, throughout the extent of that Territory as it is detailed in the 2007

Inland Consent Decree. *Ex parte Young*

C. Grant Plaintiffs costs and other and further relief as may be just and proper.

2. Without an injunction, the Plaintiffs, all of whom are American Indians with Article XIII Treaty Rights throughout the Ceded Territory, would be irreparably harmed due to the fact that the proposed transfer of over 11,000 acres of the Ceded Territory will abrogate Plaintiffs' usufructuary, occupancy, and Treaty rights recognized by the 1836 Treaty of Washington, and the reaffirmation of those Rights through the 2007 Consent Decree, as the lands of the proposed Project area would no longer be considered "public lands" under the jurisdiction of the 2007 Inland Consent Decree (nor would they be considered "private lands required to be open to the public" as defined by the Consent Decree), and would, therefore, be closed to the Plaintiffs, and all others so affected by such a closure (Natives and non-Natives, alike).

In consideration of the above, Plaintiffs request the court to:

A. The Court should immediately preliminarily enjoin Defendant, or other State of Michigan officers, employees, agencies, subdivisions, successors, or assigns, from approving the land transactions involved in the Graymont-Rexton Project.

B. The Court should also immediately preliminarily enjoin Defendant, or other State of Michigan officers, employees, agencies, subdivisions, successors, or assigns, from approving any land transactions that adversely affect the usufructuary, occupancy, or any other rights of American Indians throughout the 1836 Ceded Territory, throughout the extent of that Territory as it is detailed in the 2007 Inland Consent Decree.

C. Issue an order to show cause to be heard on _____, at _____, showing why this restraining order should not be made into a preliminary injunction.



3-17-15