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FILED  
U.S. DISTRICT COURT

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DISTRICT OF UTAH

UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

BY: \_\_\_\_\_  
DEPUTY CLERK

GRANT CHARLES, in his official capacity as  
Attorney for Roosevelt City, Utah,

Plaintiff,

v.

UTE INDIAN TRIBE OF THE UINTAH and  
OURAY RESERVATION, BUSINESS  
COMMITTEE FOR THE UTE TRIBE OF THE  
UINTAH and OURAY RESERVATION;  
TRIBAL COURT FOR THE UTE TRIBE OF  
THE UINTAH and OURAY RESERVATION;  
WILLIAM L. REYNOLDS in his official  
capacity as Chief Judge of the Ute Tribal Court;  
and RICHITA HACKFORD,

Defendants.

IN OPPOSITION TO  
MOTION TO DISMISS  
AND MEMORANDUM  
IN SUPPORT THEREOF

Case No. 2:17-cv-00321-DN

Judge David Nuffer

Plaintiff alleges the Ute Tribal Court for the Ute Tribe denies his right to *due process* and/or other rights normally guaranteed to them under the *United States Constitution* in Federal and “*State judicial*” proceedings. That the Ute Tribal Court’s ‘*assertion*’ of jurisdiction over him and other Municipal and County officials/employees who, while acting in their official capacities and while attempting to discharge their official duties, are constantly being summoned into the Ute Tribal Court in response to claims by members of the *Ute Tribe* and/or other persons claiming to be “Indian”. Plaintiff alleges specifically, Plaintiff is asking for a declaratory judgment to the effect the Ute Tribal Court lacks subject matter jurisdiction to hear the claims being brought

against the Plaintiff Grant Charles, in his official capacity as attorney for Roosevelt City Corporation and in his official capacity as the Deputy Attorney Duchesne County Corporation, and other Municipal and County officials/employees in the Ute Tribal Court and, based upon that ruling, for an *Order* enjoining the prosecution of those claims in the Ute Tribal Court. Plaintiffs '*alternative*', if this Court determines that the Plaintiff is '*subject*' to suit in the Ute Tribal Court, then Plaintiff is also asking for a declaratory judgment to the '*effect*' that the Ute Tribal Court is a "*Federal Actor*". Plaintiff alleges as argument, there is no basis for a '*Remand*' to Tribal Court, Plaintiffs allegations are without any legal grounds or merits.

### UTE

Clarification of the term, definition, usage and meaning of the word "*Ute*", pursuant to Chapter 223, June 15, 1880. (21 Stat., 199.) The "Utes" 1880 Agreement with the United States Section 2, clearly identifies three classifications of Colorado Utes, [First. Those known in the agreement above referred to as *Southern Utes*. Second. Those known as *Uncompahgre Utes*. Third. Those known as *White River Utes*.] Section 4, clearly places the above named "*Utes*" "*under the laws both civil and criminal, of the State or Territory in which they may reside*".

P.L.671., Ute Partition and Termination Act, is a product of "*Ute*" legislation in 1950 the Confederated *Ute* Bands of *White River*, *Uncompahgre*, *Ute Mountain Ute*, *Southern Ute*, and *White Mesa Utes* having relinquished all claims to all lands within the United States, won their case against the *United States* in the Court of Claims for compensation for lands they ceded to the United States in the 1880 Agreement (21 Stat. 199, sec. 4).

In order to resolve the claims of a small group of Uinta Shoshone Tribal members (89 *Uintah Utes*) who had one-half are more *Ute blood* or more *Ute blood*, in order to share in the *Ute*

*Judgment Funds*, where subsequently partitioned from the main body of the Uinta Shoshone Tribe, and legally defined and identified as “Mixed-blood *Uintah Utes*” added to the “*Full-blood Ute Group*.” The main body of the Uinta Shoshone Tribe had no claim to the *Ute Judgment Funds*, and no further legal involvement in the subsequent administration of *Ute legislation*.

Therefore the state Ute constituents “*Ute tribe/Northern Ute Tribe*” has no legally protectable federal recognition being “*State Ute Constituents*” under the *civil and criminal jurisdiction of the State of Utah* and are thus, deemed “*non-Indians*” by the federal government.

The Ute’s Ten Year Development Program was centered on the “*Ute Judgment Funds*” only. The division, distribution, and use of said funds was locally and regionally orchestrated by the Confederated Utes of Colorado, the State of Utah et al., Utah’s “*full-blood*” Ute constituents called the *Northern Ute Tribe*, the BIA, and Ute Distribution Corporation, a state corporation. The ways and means to accomplish the objectives of the 1953 ‘*Ute plan*’ included in part the following:

4. “The Ute Indian Tribe (full-bloods/Northern Ute Tribe) as state constituents should approach the organization of a modern business corporation in administering and making the best possible use of the *Tribal* resources with the transfer of purely governing powers to the local and state governments. Individual members of the Ute Tribe should become individual shareholders rather than constituents which they are at the present.”

Legal counsel for the state Ute constituents, J. Preston Stieff #(4764) J. Preston Stieff Law Offices, a state licensed law firm in entering a MOTION TO DISMISS AND MEMORANDUM IN SUPPORT THEREOF in “*Hackford’s case*” Civil No: 2:17-cv-00321-DN in attempting to further unlawfully exercise Utah State Law against the “*federal Indian defendant*” without any legal authorized “*federal authority*” to so do within the boundaries of the Uinta Valley Shoshone

Reservation, and are themselves liable under the “*stripping doctrine*” of *Ex parte Young*, for their unlawful attempts to enforce the state Ute constituents and the State of Utah’s unlawful actions against the “*Federal Indian*” defendant, under a fraudulent misrepresentation, and misinterpretation and fraudulent misuse thereof, based solely upon the “*Ute constituents Ute Legislation*” in 1950 P.L. 671., Ute Partition and Termination Act, that under “*federal Indian Laws*” of the IRA-Indian Reorganization Act, Constitution and Bylaws and federal Charter of the Uinta Valley Shoshone Tribe (aka “tribe” of Affiliated Ute Citizens, aka Shoshone Uinta’s), Exhibit 1, 18 pages, raising the legal issues as to the falsity as the Uinta Shoshone have always been a “*separate and distinct tribe*” and have under federal law never been legally ever “*Affiliated*” with the state Ute constituents under the falsity as unlawfully labeled as “*Ute Citizens*” in an attempt to unlawfully subvert, by the Attorney for the Defendants “*State Ute Constituents, Ute Constituents Business Committee* the federally recognized Uinta Valley Shoshone Tribe, its tribal government and their legal and protectable rights under the IRA’s Constitution, Bylaws and federal Charter wherein the state Ute constituents have no protectable legal claim. To which there is absolutely no current federal case law that has ever made a legal federal ruling as to the fraudulent misrepresentations being used and promoted by the State of Utah, state licensed attorney’s, are the alleged Uintah and Duchesne County Corporations or the town of Roosevelt alleged City Corporation in abusing and attempting to unlawfully place a federally recognized Indian defendant under unlawful state assumptive jurisdiction in a collaboration between the State of Utah and the State Ute Constituents, neither having absolutely no valid federal legal claims or authority within the Uinta Valley Shoshone Tribe’s Uinta Valley & Ouray Reservations which are under federal protections by the United States that holds “title” to the lands herein for the Uinta Valley Shoshone Tribe, Uinta Valley Shoshone Reservation,

despite the falsity of the claims alleged by said J. Preston Stieff, J. Preston Stieff Law Offices and said “Motion to Dismiss” must be “Denied” by the United States District Court, District of Utah, Central Division Judge David Nuffer, and the “*Hackford case*” must be “*remanded*” back to the Federal Tribal Circuit Judge Pechota failure to so do is a violation of “*Hackford’s*” rights to “*due process*” by state affiliated persons herein in their official individual capacities.

### **TRIBAL COURT FOR THE UTE TRIBE**

Clarification of the term, definition, usage and meaning of “*Tribal Court for the Ute Tribe*”, the usage of the term “*Tribal Court*”, translates to a “*State Ute Constituents Court*” managed and operated by the “*State Ute Constituents’ Business Committee*” and to their appointment of “*Chief Judge William Reynolds*” to preside over the State Ute Constituents Court in his official capacity as a state licensed attorney as Chief Judge. The Plaintiff’s pretentious allegations of the “*State Ute Constituents Court*” being a federally recognized “*Ute Court*”, thus a “*Federal Actor*” as opposed to the reality of the state nature of said court is legally “*flawed*.” There is no legitimately alleged “*Federal Actor*” to the state “*Ute Constituents Court*” that lacks any federal recognition as individual “*Utes*” being non-Indians under federal law, or as a federally recognized factiously alleged non-Indian Ute constituents “*Ute tribe*” a state alleged ‘tribe’ by the state and state “*Ute Constituents*” of the State of Utah.

Therefore Chief Judge William Reynolds, by virtue of “*federal Indian law*” had to transfer/remove “*Hackford*” a federally recognized Uinta Valley Shoshone Tribal members ‘case’ with dual membership in the federally recognized Rosebud Sioux Tribe, to a “*federal Indian Circuit Judge*” as the state Ute constituents court lacked state jurisdiction, over “*Hackford*” a federally recognized Indian defendant, under the false and factious pretense as being a legitimate “tribal/Indian court” and in order to maintain said false, factious “*Ute Tribe*” alleged

“tribal/federal” recognition. Judge William Reynolds was in a ‘conflict of interest’ since the defendant “Hackford” is not a state Ute constituent, which ‘legally barred’ Judge Reynolds from hearing defendants case and does not violate the Plaintiffs rights to due process by being filed in a state Ute constituent court or does it violate his Constitutional rights, the only rights being violated in “*Hackfords case*” are the defendants legal rights to *due process*, and the legal issue of how the state Ute constituents tribal court is being funded, is it funded by the state out of state monies or is it funded out of “federal Indian monies” for ‘federal Indians’ if ‘federal monies’ are funding a state Ute constituents tribal court, it is under fraudulent means and unlawful, if funded out of the Uinta Valley Shoshone, tribal monies from the Uintah Valley & Ouray Reservations.

### **UTE INDIAN TRIBE OF THE UINTAH & OURAY RESERVATION**

Clarification of the term, definition, usage and meaning of “*Ute Indian Tribe of the Uintah & Ouray Reservation*”, a legal term used and defined under the IRA-Indian Reorganization Act, Exhibit 1, 18 pgs, Ten Years of Tribal Government under the IRA, United States Indian Service [Table A. Indian Tribes, Bands and Communities which voted to accept or reject the terms of the Indian Reorganization Act, the dates when elections were held, and the votes cast, clearly establishes the State of Utah, Uinta & Ouray Agency: Reservation Uinta Shoshone, Uinta Shoshone voting population 634, December 13, 1934.]

The legal issue arises as to whose influences and to whose interest were at work under the IRA as the state “*Utes*” White River & Uncompahgre had “*NO*” legal voting power being under state civil and criminal jurisdiction, and indeed did not vote as is evidenced in Table A.

[Table B. Indian Tribes, Bands and Communities under Constitutions and Charters as approved by the Secretary of the Interior in accordance with the Indian Reorganization Act Oklahoma Indian Welfare Act, Alaska Reorganization Act, Revised October 10, 1946, clearly establishes the Uinta & Ouray Agency and Reservation, the Official Name of Organization, “*The Ute Indian Tribe of the Uintah & Ouray Reservation, Utah*”.]

Which is “*factionously named Ute*” as the “Utes, White River and Uncompahgre” were at this point under state jurisdiction having no legal sustainable state claims under the IRA-Indian



Reorganization Act within the Uinta Valley Shoshone Reservation or any legal state Uncompahgre Ute claims under the un-ratified lands of the Ouray Reservation federal lands. The “Utes” have no legally sustainable land claims being state constituents in either the Uinta Valley or Ouray Reservations, under P.L. 671., the “89 Mixed-blood Uintah Utes and their descendants” acting as part of the “*full-blood Ute Groups*” Ute tribe/Northern Ute Tribe have no legally sustainable land claims on either the Uinta Valley or Ouray Reservations.

The Uinta Shoshone Tribe in settlement with the (89 Mixed-blood Uintah Utes) in 1950 released 133,000 acres of land in southern Utah that has been occupied by the Southern Utes, and thus, have no further interest in the Uinta Shoshone Tribes estate. The Uintah Utes (Mixed-bloods) and their descendants interest lies within the 133,000 acres of land at White Mesa.

Furthermore, the insertion of the “factions” usage of the lower case ( h ) added to the Uintah & Ouray Reservations unlawfully implies a fraudulent “Uintah Ute interest” where there is none, as is evidenced by the “*Acts, Resolutions and Memorials Passed by the Legislative Assembly of the Territory of Utah Eleventh Annual Session, for the years 1961-62*” which clearly verifies the State of Utah as a Territory recognized the Shoshone quote; [and provide an asylum for the **Shoshone**, Utah, Parvante, San Pitch, Piede, Cumvmahs, Uinta, and Peobowat Indians] without the lower case ( h ) later applied to the Mixed-blood Uintah Utes, Uinta Shoshone, Uinta Valley Reservation and Uinta Basin none having the lower case ( h ) originally applied. The Uinta Valley Shoshone Tribe wherein the United States holds ‘title’ for the Uinta Shoshone Tribe, (*aka “tribe” of Affiliated Ute Citizens, aka Shoshone Uinta Band*), Shoshone Uinta Valley Reservation, by Executive Order 1861 and May 5, 1864 Act of Congress for the Uinta Valley Shoshone Tribe.

The Uinta Valley Shoshone Tribe after the separation and removal of the “89 Mixed-blood

Uintah Utes” were reorganized under the IRA- Indian Reorganization Act as the ‘tribe’ of Affiliated Ute Citizens of the State of Utah (*aka Uinta Valley Shoshone Tribe aka Shoshone Uinta Band*) and issued a new “*Constitution and Bylaws*” that also holds the legitimate and legal “*Corporate Charter*” also “factiously named *Ute Indian Tribe*” of the Uinta Valley Shoshone and Ouray Reservation. Plaintiff has legally failed to substantiate any legal sustainable evidence as to his fraudulent allegations that the Uinta Valley Shoshone Tribe is not a ‘federal tribe’ under the IRA, nor can the Plaintiff legally substantiate the Ute’s are federally recognized, nor is the alleged Ute tribe federally recognized under the IRA do to the “Utes 1880” Agreement with the United States, expect under fraud of P.L. 671., Ute Partition and Termination Act, that by law and intent where added to the Final full-blood Ute roll as state constituents, and fraudulently maintain the Uinta Valley Shoshone tribal members 455 were the target mixed-bloods a fraud since it’s only the Uinta Valley Shoshone Tribe that retains the IRA-Constitution and Bylaws, and the Corporate Charter as the federal tribe of the Uinta Valley Shoshone Reservation. The Plaintiff has to acknowledge that the IRA- Uinta Valley Shoshone Tribal Constitution and Bylaws are legitimate under the IRA and is a federally recognized ‘tribe’ the Shoshone Uinta’s were federal before 1934 and remain so to this day, despite Plaintiffs unfounded allegations.

#### **ROOSEVELT CITY CORPORATION / DUCHESNE COUNTY CORPORATION**

Plaintiff and his legal counsel Jesse C. Trentadue have no legal sustainable claims as to the Plaintiffs actions as attorney for the town of Roosevelt, *alleged Roosevelt City Corporation* or in his capacity as a deputy attorney for the alleged *Duchesne County Corporation*, as the alleged Duchesne County is not a county listed in Utah’s Enabling Act, Approved July 16, 1894 neither the town of Roosevelt or the alleged Duchesne County have to date legally proven any legal



legitimate claims to lands within the Uinta Valley Shoshone Reservation under “*Ute V*” in regards to substantiating any legal claims under “*Hagen*” “lands, that passed from [tribal] trust to fee status pursuant to non-Indian settlement” between 1905 and 1945 located on the Shoshone Uinta Valley Reservation. Allotments of the Uinta Shoshone land to the White River and Uncompahgre Utes was never ratified by Congress. Verification of all Indian land ownership on Indian Reservations with the ‘Land Records and Title Department’ in the Bureau of Indian Affairs is a prerequisite for Indian Tribes under Federal jurisdiction.

Acting without a legally sustainable ‘land base’ the alleged *Roosevelt City Attorney and Deputy Attorney Duchesne County Corporation* Plaintiff Grant Charles, and his legal counsel Jesse C. Trentadue in citing case law rendered by the United States District Court, District of Utah, Central Division based primarily upon the usage of P.L. 671., a “Ute Partition & Termination Act, in Judge Jenkins cases “*Ute I thru Ute V*”, which are currently under review and legally “*moot*” in defendants case, as these cases having been initiated between the state Ute constituents “Ute Tribe” and the State of Utah having been heard under a factiously and fraudulently alleged ‘*termination*’ of the 455 Uinta Valley Shoshone Tribal members, defendant included, as unlawfully alleged state mixed-blood Ute constituents, violates the defendant’s rights and the Uinta Valley Shoshone Tribe’s rights under the *United States Constitution, the Tribal Constitution, and the Constitution of the State of Utah* and are the controlling documents for the “stripping doctrine” of *Ex parte Young*. The defendant has legal grounds and cause under, *Ex parte Young* 209 U.S. 123 (1908) a United States Supreme Court case that held that a lawsuit seeking an injunction against a state official did not violate the sovereign immunity of the state, because the state official was not acting on behalf of the state when he/she sought to enforce an unconstitutional law, (U.S. Constitution XI).

The “stripping doctrine” permits a state official who used his or her position to act illegally to be sued in his or her individual capacity. In other words, once public officials have acted illegally, they are theoretically stripped of their position’s power and are eligible to be sued as individuals. However, the government itself is still immune from being sued through respondent superior (look to the man higher up- the boss). The Court has openly called this “stripping doctrine” a legal fiction. Therefore, a citizen may sue an official under the “stripping doctrine” and get around any sovereign immunity that that official might have held within his or her position within a state. Plaintiff is being sued by the defendant as an individual by enforcing a unconstitutional fraudulent “billing practice” against the Uinta Valley Shoshone Tribal member.

Plaintiff in “*Hackford's*” case is being sued in his capacity as a Utah licensed attorney and legal counsel for the alleged *Roosevelt City and in his capacity as a Deputy attorney Duchesne County Corporation*. Plaintiff is not paid by the State of Utah, his income is derived from revenue generated from state citizens under the alleged *Roosevelt City and Duchesne County Corporations* being paid by said corporations as their legal counsel and is not, paid by the State of Utah, therefore does not have any legal claim under state immunity and can be sued in “*Hackfords*” case, the defendant a ‘federal Indian’ does not fall under the Plaintiffs assumptive jurisdiction as alleged Roosevelt City Attorney and/ alleged Deputy Attorney Duchesne County Corporation alleged unlawful city & county jurisdiction within the boundaries of the Uinta Valley Shoshone Tribe, Uinta Valley & Ouray Reservations, Utah.

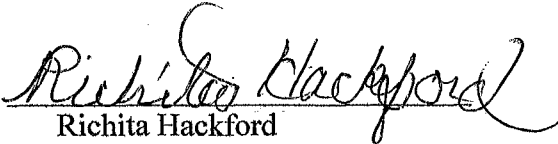
#### **P.L. 671., UTE PARTITION AND TERMINATION ACT**

Public Law 671.Ute Partition & Termination Act, is an unconstitutional law in having alleged a fraudulent ‘termination’ of the Uinta Valley Shoshone Tribal members, fraudulently as state

“Ute” constituents. Therefore “*Hackfords*” case must be “remanded” back to Federal Circuit Judge Terry Pechota for continued review of the Plaintiffs unlawful actions, as attorney for the town of Roosevelt and as Deputy Attorney Duchesne alleged County Corporation’s. As to the alleged Roosevelt City Corporations unlawful billing and charging practice for “water usage, and garbage pick-up” by K&K Sanitation located in Ballard alleged City Corporation, Uintah alleged County Corporation, used by the alleged Roosevelt City Corporation for unlawful usage of lands and water “assets” without any legal consent from the Uinta Valley Shoshone Tribe, Shoshone Uinta Valley Reservation and then unlawfully ‘billing & charging’ the defendant and all other Uinta Valley Shoshone members for usage of their own “tribal assets’, without either consent or agreement. These are issue before the Tribal Circuit Judge, and legal reason why “*Hackfords case*” must be “remanded” back to the Federal Tribal Circuit Judge for a decision.

United States District Court, District of Utah, Central Division Judge David Nuffer must ‘remand’ Hackford’s case back to the Federal Tribal Circuit Judge where it was rightfully removed / transferred, otherwise, it leaves absolutely no legal recourse for the defendant or ‘any federal Indians’ residing within the Shoshone Uinta Valley & Ouray Reservations, Utah and is a clear violation of the defendants right to *due process*, the *United States Constitution*, the *Tribal Constitution*, and the *Constitution of the State of Utah* which are the controlling documents for the “stripping doctrine” of *Ex parte Young*.

Dated this day May 23, 2017.

  
 Richita Hackford  
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Certificate of Service

I, Richita Hackford hereby certify that on May 23, 2017, I did by U.S. Postal Service, Mail a copy of "In Opposition to Motion to Dismiss and Memorandum in Support thereof" to the following:

Judge David Nuffer  
United States District Court  
District of Utah, Central Division  
Office of the Clerk  
United States Courthouse  
350 South Main Street  
Salt Lake City, Utah 84101-2180

1 original with signature and 1 copy to be stamped filed and returned in the pre-paid self- addressed envelope.

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