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

ANGELITA M. CHEGUP, TARA J. AMBOH,
 MARY CAROL JENKINS, LYNDIA M.
 KOZLOWICZ,

Plaintiffs,

v.

UTE INDIAN TRIBE OF THE UINTAH AND
 OURAY RESERVATION, a federally
 recognized Indian tribe; THE TRIBAL
 BUSINESS COMMITTEE FOR THE UTE
 INDIAN TRIBE OF THE UINTAH AND
 OURAY RESERVATION; LUKE DUNCAN;
 TONY SMALL; SHAUN CHAPOOSE;
 EDRED SECAKUKU; RONALD WOPSOCK;
 and SAL WOPSOCK,

Defendants.

CIVIL RIGHTS COMPLAINT
 (25 U.S.C. § 1302, § 1303)

PETITION FOR WRIT OF *HABEAS CORPUS*

Plaintiffs, by and through their counsel of record, bring this action and petition this Court for a Writ of *Habeas Corpus* pursuant to the Indian Civil Rights Act of 1968, 25 U.S.C. §§ 1301-1303, for relief from the unlawful restraint on liberty imposed by Defendants in the form of a resolution banishing Plaintiffs from the Ute Indian Tribe of the Uintah and Ouray Reservation without due process of law. Plaintiffs have been stripped of their homes, employment,

1 retirement plans, health insurance and have been denied access to vital tribal services, including
2 healthcare. Plaintiffs have been “banished” and have been unable to access any portion of Tribal
3 lands of the second largest Indian Reservation in the United States—which occupies roughly
4 fifteen percent of the state of Utah. This Court is the only forum available to test the legality of
5 Defendants’ actions.

6 I. INTRODUCTION

7 1. Plaintiffs are “banished” for allegedly engaging in acts which seriously threaten
8 the peace, health, safety, morals, and general welfare of the Ute Indian Tribe of the Uintah and
9 Ouray Reservation. Plaintiffs have had neither an opportunity nor an available forum to test the
10 legality of the banishment.

11 2. Banishment represents the coerced and peremptory deprivation of Plaintiffs’
12 homes as well as their social status and cultural affiliation. Among other things, banishment has
13 resulted in a denial of access to critical services such as Indian Health Services health care and
14 loss of tribal employment opportunities. The exclusion from Tribal lands and loss of Tribal
15 identity are a severe restraint on Plaintiffs’ personal liberty. Banishment is a punitive, criminal
16 sanction for which this Court can and should grant relief under the Indian Civil Rights Act, 25
17 U.S.C. § 1303.

18 3. Plaintiffs seek to have Defendants’ banishment resolution set aside and declared
19 null and void. The resolution is a retaliatory, intentional violation of Plaintiffs’ civil rights, and
20 Plaintiffs seek to be freed from the unlawful restraint on their personal liberties without due
21 process of law.

22 II. JURISDICTION AND VENUE

23 4. This Court has jurisdiction pursuant to 25 U.S.C. § 1303 of the Indian Civil
24 Rights Act, which provides that the “privilege of the writ of *habeas corpus* shall be available to
25

1 any person, in a court of the United States, to test the legality of his detention by order of an
2 Indian tribe.”

3 5. Under 25 U.S.C. § 1303, to establish jurisdiction Plaintiffs must establish that: (1)
4 Plaintiffs were in custody; and (2) Plaintiffs have exhausted tribal remedies. Plaintiffs
5 allegations satisfy these elements.

6 6. Defendants’ banishment resolution amounts to a criminal sanction resulting in a
7 severe restraint unlawful under Section 1302 of the Indian Civil Rights Act.

8 7. Seeking relief from this Court is Plaintiffs’ sole available remedy. There are no
9 tribal remedies to exhaust. Defendants have denied Plaintiffs a means to contest the unlawful
10 restraint on personal liberty.

11 8. Venue is proper in the Western District of Utah as all or a substantial part of the
12 events or omissions giving rise to the actions complained of herein occurred within this district.
13 Plaintiffs’ liberties are restrained in this district. Defendants reside within this district.

14 9. Plaintiffs have made no other application for this Writ to any other Judge or
15 Court.

16 **III. PARTIES**

17 10. Plaintiff, Angelita M. Chegup, is an enrolled member of the Ute Indian Tribe of
18 the Uintah and Ouray Reservation, a federally recognized Indian Tribe in Utah. Plaintiff was
19 banished by Defendants on November 27, 2018, for allegedly committing crimes that the
20 Business Committee found to seriously threaten the peace, health, safety, morals and general
21 welfare of the Tribe as confirmed in Resolution No. 18-514. Plaintiff was not afforded an
22 opportunity to contest the allegations or challenge the banishment resolution. Plaintiff is barred
23 from Tribal lands and has been stripped of her Tribal identity, constituting an unlawful restraint
24 on liberty, without access to the courts and in violation of his constitutional rights.

1 11. Plaintiff, Tara J. Amboh, is an enrolled member of the Ute Indian Tribe of the
2 Uintah and Ouray Reservation, a federally recognized Indian Tribe in Utah. Plaintiff was
3 banished by Defendants on November 27, 2018, for allegedly committing crimes that the
4 Business Committee found to seriously threaten the peace, health, safety, morals and general
5 welfare of the Tribe as confirmed in Resolution No. 18-514. Plaintiff was not afforded an
6 opportunity to contest the allegations or challenge the banishment resolution. Plaintiff is barred
7 from Tribal lands and has been stripped of her Tribal identity, constituting an unlawful restraint
8 on liberty, without access to the courts and in violation of her constitutional rights.

9 12. Plaintiff, Mary Carol Jenkins, is an enrolled member of the Ute Indian Tribe of
10 the Uintah and Ouray Reservation, a federally recognized Indian Tribe in Utah. Plaintiff was
11 banished by Defendants on November 27, 2018, for allegedly committing crimes that the
12 Business Committee found to seriously threaten the peace, health, safety, morals and general
13 welfare of the Tribe as confirmed in Resolution No. 18-514. Plaintiff was not afforded an
14 opportunity to contest the allegations or challenge the banishment resolution. Plaintiff is barred
15 from Tribal lands and has been stripped of her Tribal identity, constituting an unlawful restraint
16 on liberty, without access to the courts and in violation of her constitutional rights.

17 13. Plaintiff, Lynda M. Kozlowski, is an enrolled member of the Ute Indian Tribe of
18 the Uintah and Ouray Reservation, a federally recognized Indian Tribe in Utah. Plaintiff was
19 banished by Defendants on November 27, 2018, for allegedly committing crimes that the
20 Business Committee found to seriously threaten the peace, health, safety, morals and general
21 welfare of the Tribe as confirmed in Resolution No. 18-514. Plaintiff was not afforded an
22 opportunity to contest the allegations or challenge the banishment resolution. Plaintiff is barred
23 from Tribal lands and has been stripped of her Tribal identity, constituting an unlawful restraint
24 on liberty, without access to the courts and in violation of her constitutional rights.

1 14. Defendant, Ute Indian Tribe of the Uintah and Ouray Reservation (“Tribe”), is a
2 federally recognized Indian Tribe in Utah. Defendant has restrained Plaintiffs’ personal liberty.

3 15. The Tribal Business Committee of the Tribe is a governmental body of the Tribe.
4 This body has restrained Plaintiffs’ personal liberty.

5 16. Defendant, Luke Duncan, is a member of the Tribe and Chairman of the
6 Tribal Business Committee. Defendant participated in the hearing that resulted in the
7 banishment resolution. Plaintiffs’ individual liberty is restrained as a result of
8 Defendant’s actions.

9 17. Defendant, Tony Small, is a member of the Tribe and Vice Chairman of
10 the Tribal Business Committee. Defendant participated in the hearing that resulted in
11 the banishment resolution. Plaintiffs’ individual liberty is restrained as a result of
12 Defendant’s actions.

13 18. Defendant, Shaun Chapoose, is a member of the Tribe and Member of
14 the Tribal Business Committee. Defendant participated in the hearing that resulted in
15 the banishment resolution. Plaintiffs’ individual liberty is restrained as a result of
16 Defendant’s actions.

17 19. Defendant, Edred Secakuku, is a member of the Tribe and Member of the
18 Tribal Business Committee. Defendant participated in the hearing that resulted in the
19 banishment resolution. Plaintiffs’ individual liberty is restrained as a result of
20 Defendant’s actions.

21 20. Defendant, Ronald Wopsock, is a member of the Tribe and Member of
22 the Tribal Business Committee. Defendant participated in the hearing that resulted in
23 the banishment resolution. Plaintiffs’ individual liberty is restrained as a result of
24 Defendant’s actions.

1 21. Defendant, Sal Wopsock, is a member of the Tribe and Member of the
2 Tribal Business Committee. Defendant participated in the hearing that resulted in the
3 banishment resolution. Plaintiffs' individual liberty is restrained as a result of
4 Defendant's actions.

5 **IV. AVERMENTS COMMON TO ALL CLAIMS FOR RELIEF**

6 ***A. Underlying Dispute—Attempting to Intervene in the Zinke Matter.***

7 22. Plaintiffs were banished in retaliation for attempting to intervene in a suit that the
8 Tribe filed against the United States (“*Zinke* action”).

9 23. In the *Zinke* action, the Tribe's complaint alleged in part, that the United States
10 violated (and continues to violate) federal law by treating Uncompahgre Reservation lands as
11 though they are owned by the United States outright, rather than in trust for the Tribe. The Tribe
12 claimed that, as a result, the United States has been wrongfully appropriating revenue relating to
13 the sale or leasing of lands within the Reservation and that Bureau of Land Management
14 (“BLM”) employees have been trespassing upon lands within the Reservation to the extent they
15 have entered those lands without the Tribe's authorization or for reasons other than on behalf of
16 the Tribe. The potential revenue involved was claimed to be in the hundreds of millions of
17 dollars. Among other relief, the Tribe sought: (1) an injunction prohibiting the United States
18 from treating lands within the Reservation as though they are owned by the United States
19 outright; (2) an order quieting title in the name of the United States in trust for the Tribe; and (3)
20 an injunction prohibiting the BLM employees from accessing lands within the Reservation
21 without authorization.

22 24. The Tribe opposed Plaintiffs seeking to intervene in the *Zinke* action and the court
23 denied Plaintiffs' motion to intervene.

24 25. The Business Committee used Plaintiffs seeking to intervene in the *Zinke* action
25

1 as a basis to banish Plaintiffs.

2 ***B. Disciplinary Action Due to a “Complaint.”***

3 26. According to the Business Committee, on October 30, 2018, it “received a
4 complaint from 70 members of the Ute Indian Tribe . . . requesting the banishment of tribal
5 members Mary Carol Jenkins, Lynda M. Kozlowicz, Tara J. Amboh, and Angelita Chegup,
6 based on alleged engagement in acts which seriously threatens the peace, health, safety, morals
7 and general welfare of the Ute Indian Tribe of the Uintah and Ouray Reservation.” Resolution
8 No. 18-472 (attached hereto as **Appendix A**). Plaintiffs have not seen this alleged Complaint,
9 nor are they aware of its contents.

10 27. The Business Committee states that the Complaint alleges that Plaintiffs:

- 11 i. “Repeatedly interfered in ongoing litigation involving the
12 Tribe;”
- 13 ii. Have caused “repeated delays and confusion in cases which
14 impact the future well-being of the Tribe and its
15 membership;”
- 16 iii. “[E]ngaged in vexation litigation in federal, state, and tribal
17 courts,” and “[t]heir court filings are frivolous and often
18 nonsensical” and delay legal proceedings and confuse legal
19 issues;
- 20 iv. Routinely seek to destabilize the tribal government, causing
21 waste in resources, delay in providing services, and
22 diminishes the respect of the Tribe as a sovereign entity.” and
- 23 v. “[C]ost the Tribe millions of dollars in unnecessary legal
24 fees” by “intervening where they shouldn’t.”

25 *Id.*

26 28. On November 19, 2018, the Business Committee issued Resolution No. 18-472,
27 which began the process of banishing Plaintiffs. The Resolution mandated that that the
28 “Complaint” and a “Notice of Hearing be served on the tribal members identified therein by
29 actual notice or constructive notice if there is no known address.” *Id.* The Resolution was

1 unanimous and signed by each Committee Member.

2 ***C. Notice***

3 29. On November 20, 2018, the Business Committee issued a Notice of Hearing
4 (“Notice”) to each Plaintiff. The hearing was to be held at the Business Committee Chambers
5 one week from when the Committee issue the Notice, “pursuant to Ordinance 14-002.” Notice
6 of Banishment Hearing (attached hereto as **Appendix B**).

7 30. The Notice stated the allegations in the supposed “complaint,” and read:

8 The Business Committee will conduct a hearing to decide whether
9 to banish you from the Uintah and Ouray Reservation for your
10 actions which seriously threatens the peace, health, safety, morals
11 and general welfare of the Ute Indian Tribe of the Uintah and
Ouray Reservation. You may appear with counsel if you desire and
present evidence on your own behalf.

12 *Id.*

13 31. Plaintiffs Chegup, Jenkins, and Kozlowicz were personally served the Notice on
November 23, 2018.

14 32. On November 16, 2018, Plaintiff Amboh attempted to file document requests
15 with the Tribal Secretaries seeking any evidence to be used against her, as well as any
16 Complaint, Resolution, Policy, Guideline, or Ordinance to be implemented at her Hearing. The
17 Tribal Court Clerk served Ms. Amboh with only the papers on the hearing and refused to
18 acknowledge any document request. Ms. Amboh was ignored by the Tribal Secretaries and
19 Business Committee Members as she waited for the requested documents.

20 ***D. The Hearings.***

21 33. The Plaintiffs were able to obtain counsel on the day of the Hearing, but due to
22 the short period of time between receiving the Notice and the Hearing, their attorney was unable
23 to appear in person at the Hearing.

24 34. On behalf of all Plaintiffs, Amboh wrote to the Business Committee, stating:

1 A hearing has been scheduled at 1:30 today, pertaining to
 2 banishment. I have retrieved Legal Counsel and he is unable to
 3 attend, everyone was served by BIA Officer Wass Chapoose on
 4 Friday, November 23, 2018, short notice. We are recommending
 5 conference call, so he aware of the allegation against us and
 6 protection of our Indian Civil Rights and Bill of Rights.

7 Letter from Tara J. Amboh to Ute Tribal Business Committee, Nov. 27, 2018 (attached hereto as
 8 **Appendix C**).

9 35. Plaintiffs were still called into the Business Committee Chambers for their
 10 hearing and were informed that their attorney would not be allowed to appear telephonically,
 11 since “the Guidelines do not provide for telephonic participation at the hearing” and because the
 12 Plaintiffs had been “given reasonable time to provide for an attorney’s attendance.” Resolution
 13 No. 18-514.

14 36. Plaintiffs left the Hearing without attending the hearing so that they would not be
 15 forced to testify in a manner that would jeopardize their rights, because their attorney was not
 16 allowed to attend the Hearing.

17 37. According to the Business Committee, the following occurred at the November
 18 27, 2018, Hearing:

19 The Business Committee . . . heard the testimony of Ms.
 20 Cesspooch. Ms. Cesspooch read the complaint and played an
 21 audio recording of a court proceeding in the United States District
 22 Court for the District of Utah, Judge Jenkins presiding, in which
 23 one or more of the Respondents was engaged in the acts described
 24 in the complaint. Ms. Cesspooch also presented as an exhibit a
 25 copy of a summary of attorney fees incurred by the Tribe in
 defending court actions brought by one or more of the Respondents
 The Business Committee stated for the record that none of the
 Respondents were present, although it was the time and place set
 for the hearing At the conclusion of the hearing, the Business
 Committee passed a motion banishing the four Respondents.

Id.

E. Orders of Banishment.

1 38. After the Hearing, the Business Committee promptly issued an Order of
2 Banishment for each Plaintiff. Each order states, in relevant part:

3 Prior to the November 27, 2018 hearing, the Business Committee
4 passed Resolution 18-509 which approved *the Guidelines for*
5 *Business Committee Hearings on Exclusion and Removal Under*
6 *the Exclusion and Removal Code* (“Guidelines”). The *Guidelines*
7 set forth a framework for the proceedings in exclusion and removal
8 hearings to guarantee the accused all due process and other rights
9 guaranteed under the Ute Tribe Constitution. . . .

10 Pursuant to section 3-1-7 of Ordinance 14-004, the Business
11 Committee finds by clear and convincing evidence that [Plaintiffs]
12 have engaged in acts which seriously threaten the peace, health,
13 safety, morals and general welfare of the Tribe. Accordingly,
14 [Plaintiffs] are hereby temporarily excluded, banished, and ordered
15 to be subject to removal from the Uintah and Ouray Reservation
16 for a period of five (5) years from the date of entry of this Order.

17 Based upon the evidence presented at the hearing of this matter,
18 the Business Committee finds that the Banished Parties caused
19 financial losses to the Tribe in the amount of \$242,982.93, and the
20 Banished Parties are hereby jointly and severally fined in that
21 amount.

22 The tribal dividends and bonuses of each of the Banished Parties
23 shall be garnished up to 100% until the amount of \$242,982.93 is
24 paid in full. The Tribal Accounting Department shall set up special
25 accounts for each of the Banished Parties. The Banished Parties’
monthly dividends and periodic bonuses shall be deposited into
and garnished from those accounts and paid to the Tribe.

 The rights of the Banished Parties to tribal employment, Housing
Authority units, or Housing Department units are hereby
terminated. Land assignments to any of the Banished Parties are
hereby revoked. The Banished Parties are hereby barred from
obtaining tribal employment, tribal housing of any type, or land
assignments during the term of their banishment.

 The Banished Parties shall be allowed to enter the Reservation for
the following limited purposes: (1) for access to their respective
allotted lands, if any; (2) to meet with the Bureau of Indian Affairs
concerning their allotted lands, if any; (3) to attend to tribal
business at tribal offices; (4) to attend the annual tribal
membership meeting held the last Monday in May pursuant to
Article VI Section 2 of the Constitution and By-Laws of the Ute
Indian Tribe of the Uintah and Ouray Reservation; and (5) to

1 receive health care at the IHS Uintah & Ouray Service Unit.

2 Except in case of a medical emergency, before entering the
3 Reservation for any of the purposes listed in the preceding
4 paragraph, a Banished Party must give the Business Committee at
5 least 14 days' written notice of her intent to visit the Reservation,
6 stating the date, time, purpose, and approximate duration of the
7 intended visit. If the proposed visit is approved by the Business
8 Committee, the Business Committee shall notify tribal law
enforcement or security of the visit, and law enforcement or
security shall contact the Banished Party to arrange a meeting
location. A tribal law enforcement or security officer shall escort
the Banished Party to her destination and remain with the Banished
Party until the end of the visit at which time the Banished Party
shall promptly leave the Reservation.

9 Ute Tribal Business Committee Order of Banishment, ¶¶ 4, 14-19.

10 39. As a result of these Orders of Banishment, Plaintiffs have been stripped of their
11 homes, employment, retirement plans, health insurance, and healthcare. They have been unable
12 to access any portion of the Reservation.

13 40. Plaintiffs were not appraised of the remedies available to them, if any.

14 41. The Business Committee has refused to provide documentation of any appellate
15 process, because there is none. Plaintiffs are not aware of nor have they been informed of any
16 process that the Tribe does have for appellate review, and any process that might exist is
17 therefore ineffective and meaningless.

18 ***F. Banishment Exacts Severe, Actual Restraints on Plaintiffs' Liberty.***

19 42. Plaintiffs' liberty has been severely restrained. They have been excluded from all
20 tribal lands and precluded from participating in tribal ceremonies and cultural events. These
21 restrictions are not purely economic in nature. They go to to the core of Tribal identity.

22 43. Plaintiffs are allowed extremely limited access to Tribal lands—if and only if—
23 the Business Committee approves such access. This is after Plaintiffs give fourteen days' written
24 notice of intent to visit. Approval by a biased decision maker does not lesson the sever restraints
25

1 on Plaintiffs' liberty that have resulted from banishment.

2 ***G. Defendants Deprived Plaintiffs of Their Liberty Without Even the Illusion of***
3 ***Due Process of Law Guaranteed Under the ICRA 25 U.S.C. §1302.***

4 44. The process of the Business Committee imposing the punishments violated
5 Plaintiffs' due process rights.

6 45. The Indian Civil Rights Act states that "[n]o Indian tribe in exercising powers of
7 self-government shall deny to any person within its jurisdiction the equal protection of its laws or
8 deprive any person of liberty or property without due process of law." 25 U.S.C. § 1302(a)(8).

9 46. The constitutional requirement of due process of law requires notice and an
10 opportunity to be heard before an individual can be deprived of her liberty. The right to be heard
11 includes the right to counsel.

12 47. The purpose of the providing notice is to inform a party of the charges and to
13 enable her to marshal the facts and prepare a defense. This includes the right to confront and
14 question witnesses.

15 48. Notice is meaningless unless it allows sufficient opportunity for a party to obtain
16 counsel and prepare her defense.

17 49. The amount of time Plaintiffs had to mount a defense is constitutionally
18 inadequate. Plaintiffs Chegup, Jenkins, and Kozlowicz had approximately three days to obtain
19 counsel, get counsel up to speed, and prepare and assemble evidence. Plaintiff Amboh had less
20 than twenty four hours.

21 50. The substance of the notice that Plaintiffs received is also constitutionally
22 inadequate. Plaintiffs did not receive the Complaint lodged against them, they were not provided
23 the procedural law governing the hearing, nor were they able to question witnesses or even made
24 aware if there were any.

25 51. Finally, due process mandates an impartial decision maker—someone who is not

1 personally and substantially involved in the underlying incident. Plaintiffs' due process rights
2 were violated because the Business Committee was not an impartial decision maker.

3 52. Defendants violated Plaintiffs' civil rights under 25 U.S.C. § 1302.

4 **V. FIRST CLAIM FOR RELIEF**

5 ***A. Unlawful Restraint on Personal Liberty in Violation of the Due Process Clause 6 of the Indian Civil Rights Act.***

7 53. Plaintiffs reallege and incorporate by reference paragraphs 1-52 as if fully set
8 forth herein.

9 54. The Indian Civil Rights Act provides that "[t]he privilege of the writ of habeas
10 corpus shall be available to any person, in a court of the United States, to test the legality of his
11 detention by order of an Indian tribe." 25 U.S.C. § 1303.

12 55. The Indian Civil Rights Act provides that "[n]o Indian tribe exercising the powers
13 of self-government shall . . . deprive any person of liberty or property without due process of
14 law." 25 U.S.C. § 1302(8).

15 56. Plaintiffs have been denied due process of law by Defendants. Defendants
16 November 19, 2018 banishment resolution was issued without any meaningful opportunity to
17 contest the criminal allegations made against Plaintiffs.

18 57. Plaintiffs were denied access to counsel.

19 58. Plaintiffs were not provided adequate time to mount a defense.

20 59. Defendants have offered no legal or factual justification for banishment.

21 60. Defendants failed to afford Plaintiffs a forum or other means to contest the
22 criminal charges or to protest the banishment resolution other.

23 61. Defendants' banishment of Plaintiffs constitutes a criminal sanction and a denial
24 of the fundamental right guaranteed by the due process clause of the Indian Civil Rights Act—
25 freedom from arbitrary restraints on personal liberty.

VI. SECOND CLAIM FOR RELIEF

A. *Unlawful Restraint on Personal Liberty in Violation of the Right to Be Informed of Charges and Confront Witnesses Provision of the Indian Civil Rights Act.*

62. Plaintiffs reallege and incorporate by reference paragraphs 1-61 as if fully set forth herein.

63. The Indian Civil Rights Act provides that “No Indian tribe exercising the powers of self-government shall . . . deny to any person in a criminal proceeding the right to . . . be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor. . . .” 25 U.S.C. § 1302(6).

64. Defendants violated Plaintiffs’ right to be confronted with the witnesses against them and to obtain witnesses in their favor by denying Plaintiffs access to contest the charges against them, confront their accusers, or offer evidence or witnesses in their favor.

65. Defendants have violated and continue to violate Plaintiffs’ right to be free from arbitrary restraints on liberty as guaranteed by the Indian Civil Rights Act.

VII. RELIEF REQUESTED

Plaintiffs respectfully request that this Court grant the following relief:

- A. Issue the requested Writ or, to the extent necessary, order Defendants to immediately show cause why the requested Writ should not issue and to answer the allegations contained herein.
- B. Declare that Defendants’ banishment resolution is a punitive sanction for allegedly criminal conduct for which a writ of *habeas corpus* is available.
- C. Declare that Defendants’ banishment resolution demonstrates a sufficiently severe potential or actual restraint on liberty to warrant *habeas* review.
- D. Declare that Defendants, collectively and individually, have violated the protections afforded under the Indian Civil Rights Act by imposing a severe restraint on personal liberty without affording Plaintiffs due process or providing Plaintiffs with the

1 right to confront witnesses and obtain or offer evidence or
2 witnesses in their favor.

3 E. Order Defendants to discharge Petitioners from the restraints on
4 Petitioners' personal liberty.

5 F. Issue an Order vacating and setting aside Plaintiffs' banishment to
6 restore Petitioners' tribal identity.

7 G. To the extent necessary, permit Plaintiffs to conduct discovery and
8 submit written briefs in advance of any evidentiary hearing
9 concerning this Petition.


10 H. Award Petitioners reasonable attorneys' fees and costs.

11 I. Grant such other and further relief as the Court may deem just and
12 proper.

13 DATED this 23 day of April 2019.

14 MERRILL & MERRILL, CHARTERED

15 By: _____

16 
Kent A. Higgins
Attorneys for Plaintiffs