

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

Fely Goodface)

_____)

_____)

_____)

(Enter the full name of the Plaintiff[s] in this action))

vs.)

_____)

Lower Brule Sioux Tribe 2020 Election Board)

Lydia Sazue, Bessie Loudner, Fedelia Skunk,)

Joelle Battese, and Karen Jones)

_____)

_____)

(Enter the full name of ALL Defendant[s] in this)

action. Fed. R. Civ. P. 10(a) requires that the)

caption of the complaint include the names of all)

the parties. Merely listing one party and "et al." is)

insufficient. Please attach additional sheets if)

necessary.))

Case No. 3:20-cv-3014
(To be assigned by
Clerk of District Court)

COMPLAINT

- I. State the grounds for filing this case in Federal Court (include federal statutes and/or U.S. Constitution provisions, if you know them. Fed .R .Civ. P. 8(a)(1) requires a short and plain statement of the grounds for the court’s jurisdiction.):
Federal District Court does not have jurisdiction of actions against Indian Tribe organized under Indian Reorganization Act of 1934 except civil rights actions arising under Indian Civil Rights Act. (25 USCS ss 1301 et seq.)
~~{See Farrington v. Confederated Salish (1978, DC Mont) 448 F Supp 214}~~
The Lower Brule Sioux Tribe is a federally recognized chartered corporation. The decisions and action against me made by the 2020 Lower Brule Sioux Tribal Election Board can not be resolved or remedied with the Election Board or in Tribal Court as they are appointed by the Lower Brule Sioux Tribal Council.
~~{See Rosebud Sioux Tribe of SD v. Driving Hawk 534 F.2d 98 (8th Cir. 1976)}~~

II. Plaintiff, Fely Goodface resides at

261 Bullhead Avenue

(street address)

Lower Brule, Lyman,

(city) (county)

South Dakota, 57548, (605) 208-6078

(state) (zip) (telephone number)

(If more than one plaintiff, provide the same information for each plaintiff below)

III. Defendant, LBST 2020 Election Board resides at, or its business is located at

187 Oyate Circle Room 108

(street address)

Lower Brule, Lyman,

(city) (county)

South Dakota, 57548, (605) 473-8042

(state) (zip) (telephone number)

(If more than one defendant, provide the same information for each defendant below)

Lower Brule Sioux Tribe 2020 Tribal Election Board

Lydia Sazue, Chairperson;

Bessie Loudner, Vice-Chairperson;

D. Karen Jones, Secretary;

Fedelia Skunk, Board Member;

Joelle Battese, Board Member;

IV. Statement of claim (State as briefly as possible the facts of your case. Describe how each defendant is involved. You must state exactly what each defendant personally did, or failed to do, which resulted in harm to you. Include also the names of other persons involved, dates, and places. Be as specific as possible. You may use additional paper if necessary):

I submitted a petition for candidacy in the 2020 Lower Brule Sioux Tribal Election. My petition to be a Tribal Council candidate was submitted on June 12, 2019, to the registrar, not the Chairman, of the Election Board. I met all eligibility requirements set forth in the Lower Brule Sioux Tribe's Constitution and Bylaws, as well as the provisions of the Election Ordinance, and submitted my petition along with the filing fee. I was never notified of my disqualification nor was I notified of my right to appeal. I took it upon myself to set up a meeting with the Lower Brule 2020 Election Board on July 8, 2020, to inquire the status of my petition. Randy Seiter, Tribal Attorney, who is also Attorney for the 2020 Election Board, declared the meeting as the appeal hearing and at that time the Election Board again denied my petition for candidacy and right to appeal. During the monthly Tribal Council Meeting held on August 5th, 2020, I presented my case to the Tribal Council and requested for reinstatement of my candidacy for the 2020 Tribal Election or to throw out the current election proceedings and have a new election. After a brief heated discussion, and when I asked, "So my case will not even be heard?", Chairman Gourneau replied, "No!" and immediately recessed the meeting. I have not heard anything further from the 2020 Election Board or the LBST Tribal Council.

The 2020 Election Board and some members of the current Tribal Council are tampering with the LBST 2020 Tribal Election. Although the LBST Tribal Constitution gives the 2020 Election Board authority to carry out the Election Process, it does not give them the right to break the law. The LBST 2020 Election Board, the Tribal Attorney, and some members of the current Tribal Council have implicated themselves in a conspiracy to disqualify eligible candidates of the Tribal Election, including myself and many others.

V. Relief (State briefly and exactly what you want the Court to do for you.)

Enforce my constitutional right to due process and equal protection, by initiating a court hearing, to resolve on an expedited basis, in order to establish such rights, prior to the General Election to be held on September 01, 2020.

Declare the 2020 Election Process unlawful and charge and disqualify the 2020 Election Board members of violating applicable laws of the Lower Brule Sioux Tribe's members.

Provide monetary relief for emotional damages.

VI. **MONEY DAMAGES:**

A) Do you claim either actual or punitive monetary damages for the acts alleged in this complaint?

YES]

NO]

B) If your answer to "A" is YES, state below the amount claimed and the reason[s] you believe you are entitled to recover such monetary damages:

I would like the money damages to cover the salary amount of a member of the Tribal Council for a two year term, as I was denied my right to be a candidate. Also, an additional \$24,000 as this is my annual income and I have suffered loss of employment due to political pressure. My family has suffered severe emotional damage, also due to political pressure.

VII. Do you maintain that the wrongs alleged in the complaint are continuing to occur at the present time?

YES]

NO]

VIII. Are you requesting a Jury Trial?

YES]

NO]

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 20th day of August, 2020

Fely m Goodface
Fely Goodface

Signature of Plaintiff[s]

JS 44 (Rev. 06-17)

CIVIL COVER SHEET

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 NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

Fely Goodface

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

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

Lower Brule Sioux Tribe 2020 Tribal Election Board

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

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

Attorneys (If Known)
Randy Seiler, Tribal Attorney
187 Oyate Cir., Lower Brule, SD 57548

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)*

- | | | | | | |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

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

CONTRACT		TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability			<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud			<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending			<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage			<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability			<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability				<input type="checkbox"/> 895 Freedom of Information Act	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury				<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision	<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice					
<input type="checkbox"/> 195 Contract Product Liability						
<input type="checkbox"/> 196 Franchise						
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	SOCIAL SECURITY	FEDERAL TAX SUITS	
<input type="checkbox"/> 210 Land Condemnation	<input checked="" type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 720 Labor/Management Relations	<input type="checkbox"/> 862 Black Lung (923)		
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 530 General	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))		
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 864 SSID Title XVI		
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 865 RSI (405(g))		
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 791 Employee Retirement Income Security Act			
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 555 Prison Condition				
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement				
			IMMIGRATION			
			<input type="checkbox"/> 462 Naturalization Application			
			<input type="checkbox"/> 465 Other Immigration Actions			

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 Recopened
- 5 Transferred from Another District *(Specify)*
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*
(Indian Civil Rights Act (25 USCS ss 1301 et. seq.)) Rosebud Sioux Tribe v. Driving Hawk
 Brief description of cause:
Violation of Civil Rights of Due Process and Equal Protection [534 F.2d 98.(8th Cir. 1976)]

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ _____

CHECK YES only if demanded in complaint:
 JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE _____ SIGNATURE OF ATTORNEY OF RECORD _____

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

FROM:

FELY GOODFACE
261 BULLHEAD AVE.
LOWER BRUCE, SD 57548-0318
(605) 208-6078



607

TO:

CLERK, UNITED STATES DISTRICT COURT
ANDREW W. BOGUE FEDERAL BUILDING
& UNITED STATES COURTHOUSE
515 NINTH STREET
RAPID CITY, SD 57701



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