

Class Action

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

FILED

APR 27 2023

PRO SE PRISONER CIVIL RIGHTS COMPLAINT

BONNIE HACKLER  
Clerk, U.S. District Court

By \_\_\_\_\_ Deputy Clerk

Waylon Norman Hogshooter  
Michael Joe Budder - Hogshooter  
Eric Ray Adair  
Russell McKey Wood

Plaintiff's full name (Please print)  
Prisoners of Cherokee Nation

v.

Case No. N/A  
(To be filled out by Clerk's  
Office-only)

CHEROKEE NATION

Defendant(s)' full name (Please print)

CIV 23 - 137 - RAW

CHUCK HOSKINS JR. - CHIEF

SARA HILL - ATTORNEY GENERAL

LISA GARCIA - ASSISTANT ATTORNEY GENERAL

For additional names please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section IV, pursuant to Fed. R. Civ. P. 10(a).

NOTICE

Federal Rule of Civil Procedure 5.2 and Local Civil Rule 5.3 address the privacy and security concerns resulting from public access to electronic court files. Under these rules, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Each claim you raise must be properly exhausted. If the evidence shows that you did not fully comply with an available prison grievance process prior to filing this lawsuit, the court may dismiss the unexhausted claim(s) or grant judgment against you. See 42 U.S.C. 1997e(a).

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

**I. JURISDICTION**

Indicate below the federal legal basis for your claim, if known.

- 42 U.S.C. § 1983 (state, county, or municipal defendants)
- Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)

**II. PLAINTIFF INFORMATION**

Waylon Norman Hogshooter	Eric Ray Adair
Michael Joe Budder-Hogshooter	Russell McKey Wood
<small>Full name</small>	<small>Aliases (None)</small>

93175	
<small>Prisoner ID #</small>	

Deleware County Sheriff's Office
<small>Place of Detention/Incarntation</small>

327 S. 5th Street
<small>Institutional Address</small>

Jay	Oklahoma	74346
<small>City</small>	<small>State</small>	<small>Zip Code</small>

**III. PRISONER STATUS**

Indicate whether you are a prisoner or other confined person as follows:

- Pretrial detainee
- Civilly committed detainee
- Immigration detainee
- Convicted and sentenced state prisoner
- Convicted and sentenced federal prisoner

**IV. DEFENDANT(S)' INFORMATION**

List the following information for each defendant. If the correct information is not provided, it could result in the delay or prevention of service. Make sure that the defendant(s) listed below are identical to those contained on the first page. Attach additional sheets of paper as necessary. Do not write on the backs of any additional sheets. See Local Civil Rule 5.2(a).

Defendant 1: CHEROKEE Nation  
Full Name  
A Federally Recognized TRIBE  
Current Job Title  
17675 S. Muskogee Ave.  
Current Work Address  
Tahlequah Oklahoma 74465  
City State Zip Code

Defendant 2: CHUCK Hoskins Jr.  
Full Name  
CHIEF  
Current Job Title  
17675 S. Muskogee Ave.  
Current Work Address  
Tahlequah OKlahoma 74465  
City State Zip Code

Defendant 3: Sara Hill  
*Full Name*

Attorney General  
*Current Job Title*

17675 S. Muskogee Ave.  
*Current Work Address*

Tahlequah OK 74465  
*City State Zip Code*

Defendant 4: Lisa Garcia  
*Full Name*

Assistant Attorney General  
*Current Job Title*

17675 S. Muskogee Ave  
*Current Work Address*

Tahlequah Oklahoma 74465  
*City State Zip Code*

Defendant 5: N/A  
*Full Name*

*Current Job Title*

*Current Work Address*

*City State Zip Code*

"Class Action"

V. STATEMENT OF CLAIMS

A. Claim 1

Date(s) of occurrence: From 4-30-21 to 4-22-23 "ongoing"

Place(s) of occurrence: Cherokee Nation District Court

State which of your federal constitutional or federal statutory rights have been violated:

Prisoners rights to access to the court  
and due process rights to initial arraignments

Briefly state the FACTS that support your case. Provide a short and plain statement of how each named defendant was personally involved in the violation of your constitutional rights and why you are entitled to relief from each named defendant. See Fed. R. Civ. P. 8(a). Do not cite case law.

FACTS: This is a class action claim against  
Cherokee Nation, a federally recognized tribe,  
Chuck Hoskins Jr., Sara Hill, and Lisa Garcia,  
are responsible for violating prisoners of Cherokee  
Nations rights to receive due process of law  
"see" attached claim(1)

B. Claim 2

Date(s) of occurrence: n/a

Place(s) of occurrence: \_\_\_\_\_

State which of your federal constitutional or federal statutory rights have been violated:

\_\_\_\_\_

FACTS: n/a

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

statement of claims

V. A. attached claim (1)

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and access to the court to receive (72) seventy two hour initial arraignments provided and guaranteed by the U.S. Constitution to all U.S. citizens. All prisoners are suffering by not receiving bond sets, announcement of charges against them, entering of a plea of guilty or not guilty on their behalf, announcement of Miranda rights and rights to an attorney. This process is skipped and prisoners have to wait months sometimes to get a court date. Some prisoners crimes are just city, or carry a max sentence of (3) three to (10) ten days in a city jail. prisoners are being held unlawful and wrongful and are losing housing, jobs, immunities, assets, and relationships. Prisoners are suffering damages and case injuries. Prisoners are being housed in surrounding county jails and cannot receive a court date unless a family member, loved one, or friend calls the attorney general to make them aware the prisoner is being held and needs a court date or appearance. Prisoners are being Cherokee Nation in its official capacity and Chuck Haskins Jr., Sara Hill and Lisa Garcia in their individual capacity.

"Class action"

(attached) claim 1

Prisoners have also exhausted all available administrative remedies on the Kios at the Delaware County Sheriff's office in accordance with PLRA 1996 and 42 U.S.C. 1997e

(end of complaint)  
claim(1)

**C. Claim 3**

Date(s) of occurrence: \_\_\_\_\_ n/a \_\_\_\_\_

Place(s) of occurrence: \_\_\_\_\_

*State which of your federal constitutional or federal statutory rights have been violated:*

\_\_\_\_\_ n/a \_\_\_\_\_

**FACTS:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ n/a \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**D. Claim 4**

Date(s) of occurrence: \_\_\_\_\_ n/a \_\_\_\_\_

Place(s) of occurrence: \_\_\_\_\_

*State which of your federal constitutional or federal statutory rights have been violated:*

\_\_\_\_\_ n/a \_\_\_\_\_

**FACTS:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ n/a \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**VI. RELIEF REQUESTED**

*Briefly state what you want the Court to do for you. Do not make legal arguments or cite cases or statutes.*

- Prisoners are requesting a order for service of  
Summons and USM-285
  - Prisoners are requesting a order for investigation  
into this complaint
  - Prisoners are requesting a Permanite injunction  
relief to our Due Process rights to (72) hour  
initial Affainments
- (see attached relief)

**VII. PRISONER'S LITIGATION HISTORY**

*The "Three Strikes Rule" bars a prisoner from bringing a civil action or an appeal in forma pauperis in federal court if the prisoner has "on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).*

Have you brought any other lawsuits in federal court while a prisoner?  Yes  No

If yes, how many?   n/a  

Number each different lawsuit below and include the following:

- Name of case (including defendants' names), court, and docket number
- Nature of claim made
- How did it end? (For example, if it was dismissed, appealed, or is still pending, explain below.)
- Did the court assess a "Strike" or find the dismissal a "Prior Occasion" pursuant to 28 U.S.C.1915 (g).

  none    
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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## VI. Relief Requested (attached)

- Prisoners are requesting for Cherokee Nation to amend Judicial Proceedings, to receive initial arraignment before further arraignments.
- Prisoners are requesting for Cherokee Nation to build a super sized facility (Jail/Prison) to house all Cherokee Nation prisoners for intake, booking, and (72) seventy two hour initial arraignments.
- Prisoners are requesting that in this facility, that Cherokee Nation offer programs for re-integration.
- Prisoners are requesting that in this facility, or connected to facility, that prisoners be offered vo-tech for auto mechanics, auto building, and auto designs. And offer certifications after completions of these vo-techs.
- Prisoners are requesting to Cherokee Nation to build a car industry through this program, vo-tech, for Cherokee Nation to build vehicles and motor cycles called (NDN) Native Designs Nation.
- Prisoners are requesting for Cherokee Nation to review old cases where prisoners were sentenced unfair or unlawful and grant post conviction reliefs to these prisoners already sentenced.

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## VI. Relief Requested (attached)

- Prisoners are requesting monetary Damages for wrongful and unlawful imprisonments.
- Prisoners are requesting monetary Damages for Declaratory and Nominal awards in these cases.
- Prisoners are requesting attorneys fees, and fees for violation of our immunities in cases with injuries to Cherokee Nation Prisoners who owned small Businesses or lost valuable assets because of unlawful and wrongful imprisonments.
- Prisoners are requesting from Cherokee Nation two (2) Billion Dollars in Relief to Pay out, and Build Facility, Job-Techs, Re-intigration Programs, and Auto industries.
- Prisoners reserve the right to Amend requested relief if necessary.

none

**VIII. PLAINTIFF'S DECLARATIONS:**

I declare under penalty of perjury that the foregoing is true and correct. To the best of my knowledge, information, and belief, this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11 of the Federal Rules of Civil Procedure.

I agree to provide the Court Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Court Clerk's Office may result in the dismissal of my case.

Russell Wood  
Plaintiff's Signature

4-22-23  
Date

I further declare under penalty of perjury that I placed this complaint in the prison's legal mail system, with the correct postage attached, on the 22 day of April, 2023

Russell Wood  
Plaintiff's Signature

4-22-23  
Date