

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

Renee Kay Martin, et al.

Appellant

Vs

UNITED STATES OF
AMERICA et al.

Appellee

Case No: 24-2207

Appeals Brief

The Plaintiff Renee Kay Martin, on behalf of minor children of B R L Appeals Brief

STATEMENT OF FACTS

Brandon Richard Laducer was the victim of officer involved shooting on the Turtle Mountain Indian Band of Chippewa Indian Reservation on August 23, 2020. Renee Kay Martin is the natural parent of B R Land is acting on behalf of his two minor children. B R L is an enrolled member of the Turtle Mountain Band of Chippewa Indians and was at the Laducer homestead on tribal lands when he was murdered by Bureau of Indian Affairs officers and Rolette County Sheriff's department officers.

LEGAL JURISDICTION

The warrant the officers used to enter the Laducer homestead was not for B R L but for B L L who is Caucasian not living on tribal lands. Because the officer involved shooting happened on the tribal lands in the State of North Dakota, federal jurisdiction mandates the FBI's involvement, even though agents were not witness or engaged during the shooting.

DOJ guidelines as it pertains to major crimes investigations on tribal lands states all participants including witnesses are under federal jurisdiction not state jurisdiction.

Bivens' claims lawsuits seek redress for **constitutional violations**. These include incidents like:

1. inmates being deprived of the ability to practice their religion, in violation of the First Amendment,
2. police using excessive force during an arrest, in violation of the Fourth Amendment,
3. police refusing to let a suspect remain silent, in violation of the Due Process Clause of the Fifth Amendment, or
4. prison officials depriving an inmate of medical care, in violation of the Eighth Amendment.

The **main difference between** a Bivens lawsuit and a claim under 42 U.S.C. 1983 is that a Bivens claim covers the federal government and its agents. Section 1983 claims, by contrast, covers local or state officials or agencies. In other words the Rolette County Police Department could be held liable under Section 1983 claims. The defenses' notion that the District Court did not have jurisdiction over Craig Zachmeier, or officers from Rolette County we believe was premature.

A person can file an FTCA administrative complaint online, mailed letter or in person. Without the DOJ evidence, we cannot even determine if these were criminal acts, another violation of Brandon Richard Laducer's civil rights. We filed a FTCA claim after we exhausted all other administrative remedies especially since we did not receive any of the information from our FOIA requests.

FREEDOM OF INFORMATION ACT

A motion was filed stating that the United States of America and The State of North Dakota violated the Freedom of Information Act by not providing the information requested or stating the reasons why it was not available. As stated, no one denies that I am Brandon Richard Laducer's natural parent.

The Department of Justice has not provided any reasoning for not following the law as it pertains to FOIA. The DOJ's responsibility is to provide the facts as it pertains to law and matter. This is a violation of B R L's civil rights because any act that by a federal officer that results in irreparable harm such as murder.

The failure to grant FOIA documents or provide cause for not releasing said documents could lead to the possibility of sanctions against an individual agency employee under limited circumstances. Specifically, if it finds that the agency acted "arbitrarily or capriciously" in improperly

withholding records, the U.S. Office of Special Counsel must "initiate a proceeding to determine whether disciplinary action is warranted against the officer or employee who was primarily responsible for the withholding." 5 U.S.C. § 552(a) (4) (F)

CONCLUSION

The Plaintiff for B R L respectfully requests that court process the appeal and overturn the previous decision and issue a new trial or investigation because the administrative process was followed as prescribed by the Department of Justice and the officers and witness are part of a federal, not state case.

And as we have stated emphatically, without evidence, how can we proceed, the Department of Justice has sat on the jurisdictional evidence for four (4) years an

We requested the case be **Continued** until the DOJ released its final report. But instead it was denied due to the lower court stating the appellant did not follow FTCA administrative process. We feel confident with the evidence presented that we followed all the steps and the Inspector General of the DOJ handed the request off to the BIA when it was the DOJ who had jurisdictional authority of the investigation and evidence.

We can agree the warrant used to enter the Laducer homestead was for B L L a Caucasian, not B R L, an enrolled member of the Turtle Mountain Band of Chippewa.

A basic human and civil right that we as citizens are afforded per the constitution is the right to a fair trial. We as citizens retain the right to request and obtain evidence to participate in that trial. I am not a lawyer so I appreciate the opportunity to plead this case. We believe we have made a case for a Bivens claim and in Judge Senachal's report and recommendations, she concludes there is enough in the evidence to pursue Bivens. The denial of a trial was only due to not following FTCA process.

Dated: August 1, 2024

A handwritten signature in black ink, appearing to read 'Renee K Martin', written over a horizontal line.

/s/ Renee K Martin

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