

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Nicole Johns,

Case No. 24-cv-01892 (JMB/LIB)

Plaintiff,

v.

ORDER

Pemberton, et al.,

Defendant.

This matter comes before the undersigned United States Magistrate Judge pursuant to a general assignment made in accordance with the provisions of 28 U.S.C. § 636, and upon Plaintiff's Motion to Stay Proceedings, [Docket No. 60]. The Court took Plaintiff's Motion under advisement on the parties' written submissions following the completion of briefing on said Motion. (Order [Docket No. 67]).

For the reasons discussed below, Plaintiff's Motion to Stay Proceedings, [Docket No. 60], is **GRANTED**.

I. Background

The present case arises from the death of Plaintiff's son, Joseph Fairbanks Jr., while in custody at the Red Lake Detention Center. (Compl. [Docket No. 1] at ¶¶ 1, 18–28). Plaintiff filed her complaint on May 21, 2024, alleging constitutional and state law claims against several individual defendants who were all supervisory correctional officers, correctional officers, or staff at the Red Lake Detention Center at the time of Mr. Fairbanks' death. (*Id.*).¹

¹ Plaintiff initially alleged the present Complaint against three additional Defendants: the United States, the United States Department of Interior, and the Indian Bureau of Affairs. These Defendants have since been dismissed. (Order [Docket Nos. 20, 32]).

On September 25, 2025, Plaintiff filed the present Motion requesting a stay of civil proceedings until Plaintiff can exhaust her remedies in tribal court. (Plf.'s Mot. [Docket No. 60]). In support, Plaintiff asserts that federal courts must first allow tribal courts to determine their own jurisdiction for disputes where the parties are tribal members and the incident occurred on tribal land. (Id. at 3–5). Plaintiff also asserts that no exception to this general rule applies in the present case. (Id. at 5, 6). Lastly, Plaintiff argues a stay, rather than a dismissal, would best serve comity and preserve the parties' rights. (Id.). Defendants do not oppose this motion. (Def.'s Response [Docket No. 64]).

II. Discussion

A. Standard of Review

As a Federal District Court, we have the inherent power to stay civil proceedings in order to “control our docket, to conserve judicial resources, and to provide for the just determination of cases which pend before us.” Armstrong v. Mille Lacs Cnty. Sheriffs Dep't, 112 F. Supp. 2d 840, 843 (D. Minn. 2000); (citing Landis v. American Water Works & Electric Co., 299 U.S. 248, 254–55, 57 S.Ct. 163, 81 L.Ed. 153 (1936)); see Lunde v. Helms, 898 F.2d 1343, 1345 (8th Cir.1990), cert. denied, 498 U.S. 897, 111 S.Ct. 249, 112 L.Ed.2d 208 (1990); Webb v. R. Rowland & Co., Inc., 800 F.2d 803, 808 (8th Cir.1986); City of Bismarck v. Toltz, King, Duvall, Anderson and Associates, Inc., 767 F.2d 429, 433 (8th Cir.1985); Contracting Northwest, Inc. v. City of Fredericksburg, Iowa, 713 F.2d 382, 387 (8th Cir.1983).

The Federal Government has a “longstanding policy of encouraging tribal self-government.” Archambault v. United States, 641 F. Supp. 3d 636, 650 (D.S.D. 2022) (quoting Iowa Mut. Ins. Co. v. LaPlante, 480 U.S. 9 at 14, 107 S.Ct. 971, 94 L.Ed.2d 10 (1987)); see also Nat'l Farmers Union Ins. Comp. v. Crow Tribe of Indians, 471 U.S. 845, 856 n. 19, 105 S.Ct. 2447,

85 L.Ed.2d 818 (1985) (collecting cases). “Civil jurisdiction over tribal-related activities on reservation land presumptively lies in the tribal courts unless affirmatively limited by a specific treaty provision or by federal statute.” Duncan Energy Co. v. Three Affiliated Tribes of Ft. Berthold Rsrv., 27 F.3d 1294, 1299 (8th Cir. 1994). Ultimately, the exhaustion of tribal court remedies is a matter of comity:

The deference that federal courts afford tribal courts concerning such activities occurring on reservation land is deeply rooted in Supreme Court precedent. Because a federal court's exercise of jurisdiction over matters relating to reservation affairs can impair the authority of tribal courts, the Supreme Court has concluded that, as a matter of comity, the examination of tribal sovereignty and jurisdiction should be conducted in the first instance by the tribal court itself.

Duncan Energy Co., 27 F.3d at 1299.

The rule of tribal exhaustion is subject to a few exceptions, including: “(1) where an assertion of tribal jurisdiction is motivated by a desire to harass or is conducted in bad faith; (2) where the action in tribal court is patently violative of express jurisdictional prohibitions; or (3) where exhaustion would be futile because of the lack of an adequate opportunity to challenge the tribal court’s jurisdiction.” Armstrong, 112 F. Supp. 2d. at 844 (internal quotations omitted); (quoting Kerr–McGee Corp. v. Farley, 115 F.3d 1498, 1501 (10th Cir.1997)).

B. Analysis

In the present case, because Plaintiff has not yet exhausted her tribal court remedies, a Stay of the proceedings is warranted. This claim involves a death in custody at the Red Lake Detention Center, which is operated by the Red Lake Nation, a federally recognized Indian tribe. (Compl. [Docket No. 1] at 1, 2). The remaining Defendants were all either correctional officers, supervising correctional officers, or staff at the Red Lake Detention Center when Plaintiff died. (Id. at 2). More importantly, the alleged illegal acts occurred

on tribal land inside of a facility that is under the jurisdiction and oversight of the Bureau of Indian Affairs. (*Id.*). The question, then, is whether Tribal Court jurisdiction is properly invoked when the alleged harm occurs within a detention center on tribal land.

In accordance with the Federal Government's encouragement of tribal self-governance, federal courts must allow tribal courts to first determine jurisdiction over controversies arising on tribal land. *See Duncan Energy Co.*, 27 F.3d 1294. Here, the alleged illegal acts occurred on tribal land, invoking tribal jurisdiction and necessitating the exhaustion of tribal court remedies. Further, neither Plaintiff nor Defendants argue that any exception to the rule of tribal exhaustion applies, nor does either party argue against the imposition of a Stay on proceedings. In the absence of any objection from the Defendants or any specific treaty provision or federal statute expressly limiting tribal jurisdiction, the Court can find no reason to limit tribal sovereignty.²

Accordingly, Plaintiff's Motion to Stay Proceedings, [Docket No. 60], is **GRANTED**.³

III. Conclusion

Therefore, for the foregoing reasons, and based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED THAT** Defendant's Motion to Stay Proceedings, [Docket No. 60], is **GRANTED**.

² Although Plaintiff is required to exhaust tribal remedies before the continuation of proceedings in federal court, "the ultimate determination on jurisdiction will, of equal necessity, be subject to our independent review, as the need should arise." *Armstrong*, 112 F. Supp. 2d. at 850; *see Iowa Mut. Ins. Co.*, 480 U.S. at 19 ("Although petitioner must exhaust available tribal remedies before instituting suit in federal court, the [Red Lake] Tribal Courts' determination of tribal jurisdiction is ultimately subject to review. If the Tribal Appeals Court upholds the lower court's determination that the tribal courts have jurisdiction, petitioner may challenge that ruling in the District Court.").

³ Courts have generally preferred a Stay of proceedings instead of a dismissal when a party seeks to exhaust tribal remedies. *See Archambault*, 641 F. Supp. 3d 636; *see also Armstrong*, 112 F. Supp. 2d. 840; *Bruce H. Lien Co. v. Three Affiliated Tribes*, 93 F.3d 1412 (8th Cir. 1996).

Dated: October 27, 2025

s/Leo I. Brisbois
Hon. Leo I. Brisbois
U.S. MAGISTRATE JUDGE