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U.S. COURT OF APPEALS
10TH CIRCUIT

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Kandra Amboh
Post Office Box 536
Fort Washakie, Wy 82514
Telephone: (307) 349-8346

United States Court of Appeals
for Tenth Circuit
Byron White United States Courthouse
1823 Stout Street
Denver, Colorado 80247

Re: Amboh v. Haney, et al.,
10th Cir. Case No. 2:25-CV-00106
Dist. Court No. 2:25-cv-00868-RJS

Dear Clerk:

Filed: **PLAINTIFF-APPELLANT'S MEMORANDUM RESPONSE
TO ORDER TO SHOW CAUSE TO COMPEL U.S. DISTRICT JUDGES
OF UTAH**, this is submitted for filing for federal
Court review.

Respectfully submitted



Kandra Amboh

Kandra Amboh
Post Office Box 536
Fort Washakie, Wy 84514
Telephone: (307) 349-8346

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

Kandra Amboh,

Case No. 25-4095

Plaintiffs-Appellant,

v.

Nicholas Haney, et. al.,

Defendant-Appellees,

**PLAINTIFF-APPELLANT'S
MEMORANDUM RESPONE
TO ORDER TO SHOW CAUSE
TO COMPEL U.S. DISTRICT
JUDGE'S OF UTAH**

INTRODUCTION

Plaintiff-Appellant's Kandra Amboh's Memorandum Response to Order to Show Cause to Compel U.S. District Judge's of Utah, have Stated in relevant part shall provide Plaintiff-Appellant Indian Child Welfare Act (ICWA) within Report and recommendation with complete list of 48-hour ICWA hearing.

Hon. Chief Magistrate Judge Dustin B. Pead, dated June 16, 2025, and the Order adopting Report and Recommendation, Hon, Robert J. Shelby, Chief U.S. District Judge, dated July 10th, 2025 and that once the list is provided. Plaintiff-Appellant. In this action have engaged to policies, practices and customs which violate Plaintiff-Appellant constitutional rights.

Ginest v. Bd. of County Comm'rs of Carbon Cnty, 406 F. Supp. 2d 1158, 1159-60 (D. Wyo. 2004). The Court stated that the

process of obtaining transcripts should be accommodate Plaintiff-Appellate. The Court found that injunctive relief is available if Plaintiff-Appellate prevail on the merits, and discovery for the preliminary injunction hearing.

JURISDICTIONAL STATEMENT

The Indian Child Welfare Act (ICWA), 25 U.S.C. 1901, et seq. and Petition to court of competent jurisdiction to invalidate action upon showing of certain violations, 25 U.S.C. 1914. The decision to review federal court order pursuant to 25 U.S.C. 1914. The Tenth Circuit Court of Appeals had jurisdiction pursuant to Federal question, 28 U.S.C. 1331, and Final decision of district Court, 28 U.S.C. 1291.

AGUMENT

For the reason explained below, this Court has at least three options to enforce compliance with its Order, the Court can;

1. Order Magistrate Judge Dustin B. Pead, and the Chief District Judge Robert J. Shelby, to sign any knowledge of the ICWA law and orders; or,
2. Order on ICWA, the Judges to sign their respective Orders on the ICWA law that was not applied in this case on any Judges orders; or
3. ICWA Orders are for the Federal Court Judges to enforce the ICWA on protection of all Indian children, that

was acted upon by Congress. ICWA was established for the protection of Indian children, where Indian tribes can claim sovereignty in protection of Tribe's children.

I. The Court Can Order Judge to Sign All the ICWA Orders

The Tenth Circuit Courts have the inherent authority to enforce their Orders, no party would ever need to heed them.

Frew v. Hawkins, 540 U.S. 431, 432 (2004) (Federal courts are not reduced to issuing orders and hoping for compliance. Once entered that order may be enforced.); Washington v. Washington State Commercial Passenger Fishing Ass'n. 443 U.S. 659, 696 (1979) (holding that state officials may face stern measures to require respect for federal court orders.); also Hutto v. Finney, 437 U.S. 678, 690 (1978); U.S. v. Bryan, 440 U.S. 323, 330-31 (1950).

Judge's ICWA is obligated to take all necessary steps to ensure that the Discovery Order is fully implemented.

United States v. Santee Sioux Tribe of Nebraska, 254 F. 3d 728, 736 (8th Cir. 2001) (holding that party may be held in contempt of court unless the party shows: (1) that good faith effort were made to fully comply with the order; and (2) full compliance was impossible due to factors beyond the party's control).

The State officials can be required to undertake activities that violate state law, when those activities are

necessary to implement and comply with the federal orders. Passenger Fishing Vessel, 443 U.S. at 695 (State-law prohibition against compliance with the Federal District Court's decree cannot survive the command of the Supremacy Clause of the United States Constitution. And state officials may be ordered to prepare the set of rules that will implement the federal district court's order even if state law withholds.

Even when Federal Judges cite in his brief some authority for his position, it has been settled for more than two centuries that the state law cannot override the federal court orders. As Chief Justice John Marshall stated for unanimous Court in 1809, if the legislatures of the several states may, at will, annul the judgments of the courts of the United States, and destroy the rights acquired under those judgments, the constitution itself becomes the solemn mockery. United States v. Peters, 9 U.S. 115, 136 (1809).

Ordering state officials to transport black students to an all-white school despite the state law expressly prohibiting such conduct. Griffin v. County School Board of Prince Edward County, 377 U.S. 218, 233-34 (1964) (holding that the federal court may order state officials to take action pursuant to the federal court order that is contrary to their duties under state law).

II. The Court Can Order the Other Judges to Sign Orders On ICWA

The All Writs Act, 28 U.S.C. 1651, provides the Court with ample authority to compel the judges to sign their respective ICWA orders. The All Writs Act states, in relevant part that every federal court may issue writs necessary or appropriate in aid of their respective jurisdiction and agreeable to the usages and principles of law. 28 U.S.C. 1651(a), and under the authority of all congressional acts, that also established and in compliance under federal jurisdiction.

The principle is well established that where, as here, non-parties are frustrating the implementation of federal court order ICWA. The court may grant supplemental relief under All Writs Act directed at those non-parties. United States v. N.Y. Tel. Co., 434 U.S. 159, 174 (1977) (the power conferred by the All Writs Act extends, under appropriate circumstances, to persons who, though not parties to the original action or wrongdoing, are in the position to frustrate the implementation of the court order of ICWA or the proper administration of justice, and even encompass those who have not taken any affirmative action to hinder justice.); United States v. Yielding, 657 F. 3d 733, 728 (8th Cir. 2011). The power conferred by the All Writs Act extends, under appropriate circumstances to persons named and their Indian

children under the ICWA are protected.

CONCLUSION

The Courts ICWA Orders is being undermined in large measure by State and Federal District Judges. Who is refusing to sign ICWA orders in any cases but his own, and by the Judges who are refusing to sign any ICWA order, this prevents Plaintiff Amboh's right to have her enrolled Shoshone children returned to her custody, and therefore seeks an order on Shoshone Indian Mother's right to the ICWA Law.

Given that this case will be stymied until the ICWA Law is produced. Plaintiff respectfully request that this matter be resolved expeditiously. Plaintiff Amboh suggest that the Appellees be given ten (10) days in which to submit the responsive brief and that Plaintiff be given five (5) days for reply. Plaintiff would welcome the filing of the brief by the Plaintiff-Appellees by the same deadline with the copy of this memorandum.

Respectfully submitted this 18 day of August 2025.



Kandra Amboh

CERTIFICATE OF SERVICE

Hereby certify that on 18, day of August, 2025, I have filed the foregoing: **PLAINTIFF-APPELLANT'S MEMORANDUM RESPONSE TO ORDER TO SHOW CAUSE TO COMPEL U.S. DISTRICT JUDGES OF UTAH**, which caused parties of record to be served on;

Nicholas Haney
389 West 2050 So.
Vernal, Utah 84078

Stacy R. Haacke
Office of General Counsel
Administrative Office of the Courts
P.O. Box 140241
Salt Lake City, Utah 84114-0241

Respectfully submitted.



Kandra Amboh

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Kandra Amboh
Post Office Box 536
Fort Washakie, Wy 82514

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United States Court of Appeals
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Byron White United States Courthouse
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