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**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MONTANA
MISSOULA DIVISION**

RYNE MATHIAS,
Petitioner/
Plaintiff,

CIVIL ACTION NO.:

CV-25-217-M-KLD

v.

JAMIE BALDWIN,
Respondent/
Defendant.

**NOTICE OF REMOVAL
(CIVIL RIGHTS)**

28 U.S.C. §1443(1)
From CSKT Tribal Court
Cause No. 24-0105-CS

**A RULE 11(b)(2) ARGUMENT to EXTEND, MODIFY, or
REVERSE EXISTING LAW, and/or to MAKE NEW LAW
APPLYING, CONSTRUING, or REDEFINING CIVIL RIGHTS
REMOVAL under 28 U.S.C. §1443(1)**

1. I, the undersigned Respondent/Defendant Jamie Baldwin, an enrolled member of the Navajo Nation, hereby file this Notice of Removal according, under and pursuant to 28 U.S.C. §1443(1) "Civil Rights Removal."
2. I file this Notice parallel to Michael Futrell in Case 25-cv-00210-KLD.
3. I am the natural mother of a minor child, ERM, a boy with special needs, 3 years old who suffers from Level 3 (the highest level, severe) Autism and diagnosed non-verbal.

***Notice of Removal with Rule 11(b)(2) Argument to Extend, Modify, or
Reverse Existing Law, and/or to Make New Law Applying, Construing,
or Defining Civil Rights Removal under 28 U.S.C. §1443(1)***

4. My son's federally secured rights to disability accommodation, and my civil rights, are systemically denied in the CS&KT Tribal Court on the grounds of my Tribal (i.e. "Racial") Identity.

5. I have objected to CS&KT Tribal Court jurisdiction in this case. I applied for and was denied legal representation in the CS&KT Tribal Courts on the grounds that, even if my income met qualifications for free assistance, Tribal Attorneys had to reserve themselves and their services for my son's father, an enrolled member of the Confederated Salish & Kootenai Tribe.

6. The CS&KT Tribal Court appears to be controlled by one or more closely allied extended families who work together to exclude other individuals, even other non-CS&KT Native Americans, like me, from full benefits and equal access to or participation in the Tribal justice system.

7. My minor son (3 years old) has special needs resulting from a disability (autism) recognized by Federal Law (ADA and others).

8. I object and dispute (and have always, consistently disputed) the CS&KT Tribal Court's jurisdiction; my own and my son's (ERM's) Tribal Membership is in the Navajo Nation.

9. I am an enrolled Navajo and I assert my ancestral tribe's right to my own and my son's genetic and cultural heritage, and my right to return with my son to Arizona.

10. My son's general civil and disability-based rights are denied and negated by the CS&KT Tribal Court Judge Bryan Dupuis and his order entered December 4, 2025 (See Exhibit A).

11. The pervasive bias and prejudicial policy of the CS&KT Tribal Court was illustrated and encapsulated by Judge Bevra Jacobson during hearing on the renewal of a protective order for my benefit, in which Judge Jacobson and that I am merely "a guest here" and that I needed to respect the proceedings of the [CS&KT] Tribe because I was "foreign."

12. Abstention by this Federal Court pending Exhaustion of Tribal remedies by rehearing and appeal will result in further delay and consequent irreparable injury to my special needs (ADA protected) son's rights to physical, psychological, and general healthcare, which requires immediate attention.

13. I have consulted a number of lawyers (including those recommended by the CS&KT Tribal Court) who have refused to take my case or defend me--and I have actually paid and retained two of them who withdrew immediately on becoming more fully informed concerning the case. As noted below, my status is "flagged" and the case is shown as "on critical alert due to conflict of interest" because "alien" (non-CS&KT) Tribal Enrollment.

14. At least one of these lawyers expressed to me that, as a Tribal Attorney, she had to reserve her services for my son's father as a Tribal member even though my son's father had retained private counsel (Justin Kalmbach, Kalmbach Law Office, PLLC, Polson, Montana).

15. Then on the afternoon of Tuesday, 16 December 2025, I met with Remington Christopher O'Conlough, a family defense attorney for the Tribal Defense Office, who stated that he cannot provide representation because I am a non-CS&KT Tribal member, even though I am an enrolled Navajo.

16. Mr. O'Conlaugh specifically examined the court records and told me my case was "flagged" by a critical alert with case details stating that there was a "conflict of interest" that Dad was an enrolled member for CS&KT while I am not, and that means that NO TRIBAL ATTORNEY CAN REPRESENT ME, because they are only allowed to represent CS&KT members.

EXTRAORDINARY CIRCUMSTANCES WARRANT REMOVAL

17. I am aware that Civil rights removal of proceedings from tribal courts to US District Courts has heretofore never been allowed to succeed in Montana or any other jurisdiction.

18. I submit that the systemic intertribal discrimination inherent in the CS&KT Tribal Court system operates as the functional equivalent of racial

discrimination, in that it is based on similar bases of cultural, genetic, and geographic origin identity as more general concepts of “race”---and so, within the strict meaning of prior Supreme Court holdings, I am entitled to remove this case under 28 U.S.C. §1443(1).

19. However, I recognize that this must and will be a “case of first impression.”

20. I have read and reviewed the Federal removal statutes, including the civil rights removal statute 28 U.S.C. § 1443, and I understand that these (on their face) apply exclusively to proceedings commenced in "state court" and do not extend to tribal courts under the express language of both 28 USCA § 1443 28 USCA §1441.

21. However, the Indian Child Welfare Act (ICWA, 25 U.S.C. §1911(a) effectively classifies and treats tribal jurisdiction as the functional and legal equivalents of states for purposes of analyzing and assigning child domicile and residence.

22. Even my Tribal Judge, Bryan Dupuis’ jurisdictional recitation, on Page 1 of Exhibit A, that I, “the child’s mother... ha[ve] lived on the Flathead Reservation for at least 90 days prior to the filing of this petition” parallels and reflects the jurisdiction basis for residence under the federal UCCJEA (Uniform Child Custody Jurisdiction and Enforcement Act).

I REMOVE TO SECURE MY (and my son's) EQUAL RIGHTS

23. My and my son's civil and fundamental constitutional rights to equal access to the Courts are clearly being herein infringed, and I am entitled to seek declaratory and injunctive relief under 42 U.S.C. §1983.

24. However, the Supreme Court in *Nevada v. Hicks*, 533 U.S. 353 (2001) held that tribal courts lack jurisdiction over federal civil rights claims under 42 U.S.C. §1983, and noted that allowing such claims in tribal court would create "serious anomalies" under federal removal statutes because defendants would lack removal rights available in state court proceedings.

25. I, ask this court to sustain my removal, as a matter of first impression, because I the undersigned Defendant, submit and will be competent evidence demonstrate that my son and I have been continually and will on appeal or reconsideration by Tribal Court be automatically and absolutely denied both due process and equal protection of the laws merely by bringing the case against me (and against my son's interests) to trial in Tribal Court.

26. I ask this Court to compare my situation to the Supreme Court's holding in *City of Greenwood v. Peacock*, 384 U.S. 808, 827-28 (1966):

this case constitutes one of those:

. . . . rare situations where it can be clearly predicted by reason of operation of pervasive and explicit state or federal law that these rights will inevitably be

denied by very act of bringing defendant to trial in state court. 28 U.S.C.A. § 1443(1).

Greenwood v. Peacock, 384 U.S. 808, 828, 83 S.Ct. 1800, 1812, 16 L.Ed.2d 944 (1966).

27. Accordingly, I here submit best argument be under Rule 11(b)(2) to extend, modify, or reverse existing law, or to make new law to permit this removal to go forward and be sustained.

FACTUAL BACKGROUND TO LITIGATION

28. Earlier this year (2025), I asked Malia Hamel [the CS&KT Tribal Clerk of Court, (and a relative cousin of my son's father's family, and step-daughter of Bradley A. Pluff, Chief Judge of the CS&KT Tribal Court, and her mother is a case worker of the Tribal Healing Court [for substance abuse])], for a list of attorneys that could help me.

29. I was given a list and called probably 100 lawyers (including 52 on the CS&KT Tribal lawyers and even some in my native state of Arizona)(see Exhibit C).

30. The list that was provided by the Tribal Court of licensed Tribal attorneys included many inactive attorneys and all but one non-family law specialists. Outsiders all informed me they could not help me in a family Tribal Court case. This included even their public defenders (who are apparently available to handle child custody as well as criminal cases).

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31. In other words, I am a clear victim of an official policy of intertribal discrimination based on cultural, genetic, and geographic origin (=”race” = “radix”---meaning “my roots.”).

32. So I started looking for nontribal attorneys, outside of the tribe. No non-tribal attorney anywhere was willing to take my case, either.

33. I intended to file a motion to dismiss as I believe there is a conflict of interest here, but then I met Michael W. Futrell and learned of his Notice of Removal on Civil Rights grounds, also alleging that the Tribe and Tribal Court or Tribal members all acted in concert to deny HIM representation in Court as a non-tribal member as well.

34. In his case, he appears to be subject to discrimination as a white [non-Indian]. But paradoxically, I as a Native American of the Navajo Tribe get exactly the same “racial” discrimination as he does even though I am not racially (i.e. genetically or culturally, or by birth and place of origin) “white”.

35. I went to the final parenting hearing in Tribal Court on December 4, 2025 and Judge Dupuis never considered my son’s Level 3 Autism or special needs generally AT ALL.

36. Upon entry of the generic Parenting Plan, affording ZERO accommodations to my minor son’s severe disability. I realized that, beyond reasonable doubt, I would be denied equal protection of the laws merely by

participating any further in this case, or seeking appellate remedies within the Tribal Court System which (as a matter of clearly articulated and official policy) was designed to deny and in fact intended to deny me equal access to the Courts, and actually treated me as an inferior in regard to the need for appointed counsel, so that I could not do worse by default.

SUMMARY of CONSTITUTIONAL PARITY and FORUM ACCESS ARGUMENT under RULE 11(B)(2) to ALLOW REMOVAL HERE

37. I submit and argue, in good faith, under Federal Rule of Civil Procedure 11(b)(2), that this Court may and should extend, modify, or reverse existing law to permit removal from tribal court to federal court as a matter of **Constitutional Parity and Right to Forum Access**.

38. These are exactly the same rights secured, as a matter of racial equality, under 28 U.S.C. §1981 and 1982, that persons should have the same rights as “white citizens” to access to the courts for protection of all fundamental rights.

39. I submit that I am the subject and target of functionally “racial” discrimination, albeit in the name of intertribal discrimination, in the CS&KT Tribal Courts, who reserve full participatory civil, which are described in 42 U.S.C. §§1981-1982, as the rights and privileged elite status of “white citizens” to enrolled CS&KT Tribal Members.

40. The current statutory framework demarcating the jurisdictional boundaries between State, Tribal, and Federal Courts violates equal protection principles by creating an arbitrary disparity where tribal court defendants are denied the federal forum access automatically available to state court defendants facing identical federal claims, and that this disparity lacks constitutional justification under current Supreme Court precedent.

41. While no federal court has (yet) accepted this argument to date, the unanimous judicial recognition of anomalies in the current system, combined with the changed circumstances since the removal statutes were drafted when tribal courts were "either nonexistent or not significant," creates a nonfrivolous basis for seeking legal extension under Rule 11(b)(2).

TRIBAL IDENTITY is the FUNCTIONAL EQUIVALENT OF RACE

42. It was only on Tuesday, 16 December 2025, when I met with Tribal Attorney Remington Christopher O’Conlough that I became fully aware how serious and systemic CS&KT Tribal Court Discrimination against ANY OUTSIDER really is.

43. CS&KT Tribal Court has flagged my case with “Conflict of Interest” because my son and I are enrolled members of the Navajo Tribe---and so CS&KT Tribal Attorneys are barred from representing me “because I am a non-CS&KT tribal member” (i.e., the functional equivalent of a “non-white”

within the meaning and purpose of 42 U.S.C. §§1981-1982 and all other civil rights phrased in terms of race).

44. This is more extreme than any form of racial discrimination of which I am aware in American history.

45. Even in the “Old South”---white lawyers were never expressly barred from representing black clients in any court of any state.

46. “Tribal Identity” in English is a Latin-based phrase with roots in Ancient Roman customs and laws relating to family structure.

47. Like the modern concept of “race” (also a Latin-based word, from “*radix*” or “root”), Tribal identity is determined by a combination of cultural, genetic, and geographic-population origin factors.

48. I was born in the town of Ganado in the Navajo Nation in the State of Arizona. I still have my family home there (where my entire family make their homestead).

49. I still maintain my Arizona Driver’s license and my son is also enrolled as a Tribal member of the Navajo Nation. During most of this time I was also employed (remotely) by an Arizona Employer.

50. Accordingly, the express and stated policy of the CS&KT Tribal Courts is to provide legal representation for CS&KT Tribal members only, in disputes between Tribal members and non-tribal members in Tribal Court.

51. This custom, practice, and policy having the force or effect of law naturally gives CS&KT Tribal members a huge advantage over non-CS&KT members in a closed Tribal Court system controlled and managed by closely related families.

52. I ask this United States District Court to deem my position in this case as exactly analogous to that of a lone White Defendant in a Title 25 Indian Tribal Court, even though I am a member of a federally recognized Tribe--- this form of identity clearly does not protect me or provide me with “the equal protection of the laws” in CS&KT Tribal Court.

53. The existence of this policy confirms the existence of a systemic “insider-managed” official law or else a custom, practice, and policy supported by rules enforcing intertribal, i.e. “racial” discrimination.

54. Such intertribal, i.e. “racial” discrimination violates the Fourteenth Amendment, 42 U.S.C. §1981, and is in fact completely consistent with the essential official and systemic racial grounds for Civil Rights Removal articulated by the Supreme Court in the venerable cases of ***Greenwood v. Peacock***, 384 U.S. 808, 828, 83 S.Ct. 1800, 1812, 16 L.Ed.2d 944 (1966) and ***State of Georgia v. Rachel***, 384 U.S. 780, 86 S.Ct. 1783, 16 L.Ed.2d 925 (1966).

55. Indian Tribes governed by Title 25 should be brought into conformity with national civil rights laws, and removal is the most efficient, practical, and rational means to achieve this end.

EXISTING FEDERAL REMOVAL FRAMEWORK and
TRIBAL COURT EXCLUSION

56. And yet, still, Federal courts have uniformly held that the removal statutes apply exclusively to state courts and do not encompass tribal courts; this exclusion is inefficient, irrational and impractical and therefore unconstitutional.

57. The general removal statute, 28 U.S.C. § 1441(a), permits removal of "***any civil action brought in a State court*** of which the district courts of the United States have original jurisdiction." 28 USCA § 1441.

58. However, as noted above, the Indian Child Welfare Act (ICWA) treats Tribal Jurisdictions as functionally and legally equivalent to state jurisdictions for purposes of residence and transfer, as under the ICCJEA.

59. Similarly, the civil rights removal statute, 28 U.S.C. § 1443, authorizes removal of civil actions "***commenced in a State court***" that meet specific civil rights criteria. 28 USCA §1443_(bold and italic emphasis added).

60. Circuit courts have consistently rejected attempts to extend these statutes to tribal courts. In ***Becenti v. Vigil***, 902 F.2d 777 (10th Cir., 1990), the Tenth Circuit held that 28 U.S.C. § 1442(a)(1), which provides for ***Notice of Removal with Rule 11(b)(2) Argument to Extend, Modify, or Reverse Existing Law, and/or to Make New Law Applying, Construing, or Defining Civil Rights Removal under 28 U.S.C. §1443(1)*** 13

removal from "State court" of actions against federal officers, does not authorize removal from tribal courts.

61. The court reasoned that "where Congress has intended to permit removal from courts other than state courts it has expressly said so," and concluded that "Congress has not yet seen fit to incorporate tribal court actions such as the one involved here in its grant of removal jurisdiction to the federal district courts."

62. Multiple district courts have reached identical conclusions. In *White Tail v. Prudential Ins. Co. of America*, 915 F.Supp. 153 (U.S.D.C., N.D., 1995), the District Court for North Dakota held that "there is no ambiguity in the text of 28 U.S.C. § 1441; it refers specifically to state courts and to state courts only."

63. The historical consistency and lack of deviation from injustice over time does not, however, constitute a constitutional amendment or modify the guarantees of fundamental rights:

The identification and protection of fundamental rights is an enduring part of the judicial duty to interpret the Constitution. That responsibility, however, "has not been reduced to any formula." *Poe v. Ullman*, 367 U.S. 497, 542, 81 S.Ct. 1752, 6 L.Ed.2d 989 (1961) (Harlan, J., dissenting). Rather, it requires courts to exercise reasoned judgment in identifying interests of the person so fundamental that the State must accord them its respect. See *ibid.* That process is guided by many of the same considerations relevant to analysis of other constitutional provisions that set forth broad principles rather than specific

requirements. History and tradition guide and discipline this inquiry but do not set its outer boundaries. See ***Lawrence v. Texas*** 539 U.S. 558, at 572, 575, 123 S.Ct. 2472, 156 L.Ed.2d 508 (2003). That method respects our history and learns from it without allowing the past alone to rule the present.

The nature of injustice is that we may not always see it in our own times. The generations that wrote and ratified the Bill of Rights and the Fourteenth Amendment did not presume to know the extent of freedom in all of its dimensions, and so they entrusted to future generations a charter protecting the right of all persons to enjoy liberty as we learn its meaning. When new insight reveals discord between the Constitution's central protections and a received legal stricture, a claim to liberty must be addressed.

Obergefell v. Hodges, 576 U.S. 644, 663-664, 135 S.Ct. 2584, 2598, 192 L.Ed.2d 609 (2015).

64. It is time to address the liberty interests and rights to equal protection of “aliens” or “guests” in Tribal Courts, and to integrate the Tribal Court system into full equality subject to the fundamental guarantees of the U.S. Constitution without any special privileges to discriminate or oppress or deny the equal protection of the laws under any grounds, and that is the facial guarantee of 28 U.S.C. §1443(1), whose plain language does not require, much less authorize, any sort of racial discrimination, including intertribal discrimination, but was designed to outlaw the same.

65. The ***White Tail*** court emphasized that "when Congress has decided to bring other non-federal trial courts within the ambit of § 1441, it has enacted legislation expressly doing so," pointing to specific statutory

provisions extending removal rights to the District of Columbia Superior Court and Puerto Rico courts as examples of explicit congressional intent.

66. It is time for the Federal Courts to fill in this egregious gap in the jurisprudence of equal protection, of which I and my son are both victims.

67. The existence of a policy of “flagging” non-tribal members to ensure that Tribal attorneys and advocates do not represent them constitutes an extraordinary circumstance, a (tribal-dependent-nation-wide) jurisdictional wide policy of infringement on rights.

68. There is no principled difference between this CS&KT Tribal policy and a law which would prevent white lawyers from representing black (or for that matter, Native American) clients.

CONSTITUTIONAL PARITY AND FORUM ACCESS

69. I, your undersigned removing defendant/respondent Jamie Baldwin, hereby submit that the strongest Rule 11(b)(2) argument for extending removal jurisdiction rests on constitutional equal protection principles and the fundamental right to federal forum access for federal claims aligned with the 14th Amendment and statutory guarantees of 42 U.S.C. §§1981-1982.

70. This argument operates on several levels that, while not yet accepted by any court, present nonfrivolous constitutional theories for legal extension.

71. Equal Protection Analysis: The current removal framework creates a classification system where defendants facing identical federal claims receive different procedural rights based solely on whether the case was filed in state court versus tribal court.

72. This disparity lacks rational justification under current equal protection doctrine.

73. While courts have so far rejected racial discrimination arguments in the tribal context, citing the "quasi-sovereign status" of tribes under federal law, *Fisher v. District Court of Sixteenth Judicial Dist. of Montana, in and for Rosebud County*, 424 U.S. 382 (1976) the removal disparity affects all defendants regardless of race or tribal membership and pertains to access to federal forums for federal claims rather than tribal sovereignty principles.

74. Article III Federal Question Jurisdiction: The Constitution grants federal courts jurisdiction over all cases "arising under this Constitution, the Laws of the United States, and Treaties." USCA CONST Art. III § 2, cl. 1. As grounds supporting my removal here, I submit that Congress' ICWA must be applied and construed consistently with these guarantees, and that equal protection, in the absence of the safety valve of removal to Federal Court under 28 U.S.C. §1443(1), is impossible.

75. The Supreme Court has consistently emphasized that federal courts are the preferred forum for federal questions, and the removal statutes were designed to ensure defendants could access federal forums when federal law governs their disputes.

76. This is especially true since Title 25 Tribal Courts have been held to lack competence to adjudicate constitutional and civil rights (see above).

77. The arbitrary denial of this access based on court system rather than claim substance contravenes Article III principles.

78. **Due Process Forum Access:** Where specific conflicts of interest or bias concerns exist—such as the plaintiff Ryne Mathias’ close relative Melia Hamel serving as Tribal Clerk of Court (while also related to the Chief Judge)—due process may require access to an alternative forum.

79. Federal courts have recognized that tribal court proceedings must afford "basic tenets of due process" or judgments will not be recognized. *FMC Corporation v. Shoshone-Bannock Tribes*, 942 F.3d 916 (9th Circuit, 2019).

80. The combination of structural conflicts and the complete absence of any alternative forum access creates due process concerns that could support removal jurisdiction.

HISTORICAL OVERSIGHT AND CHANGED CIRCUMSTANCES

81. A compelling argument for legal extension rests on the historical context in which removal statutes were drafted and the fundamental changes in tribal court systems since that time.

82. As cited by the District Court for Southern Mississippi in *Williams-Willis v. Carmel Financial Corp.*, 139 F.Supp.2d 773 (U.S.D.C. S.D. Miss. 2001), legal scholars have noted that "tribal courts were either nonexistent or not significant and therefore were not even on the screen in the original removal context."

83. The Hattiesburg court in *Williams-Willis* observed that "with the growth and development of tribal courts, the removal statutes simply need to be amended to include tribal courts within their purview."

84. This historical oversight argument gains strength from Congress's demonstrated willingness to extend removal jurisdiction when circumstances warrant.

85. **The removal statutes have been specifically amended to include the District of Columbia Superior Court (28 USCA § 1451)** when those court systems achieved sufficient development and importance. The exclusion of tribal courts appears to reflect historical accident rather than deliberate policy choice.

ORIGINAL INTENT and HISTORIC TREATMENT of
INDIAN TRIBAL SOVEREIGNTY

86. The final clause of Article III, Section 2 of the Constitution of the United States provides Federal Court Jurisdiction over “all cases, in law and equity, arising”.... “between a state, or the citizens thereof, and foreign states, citizens or subjects.”

87. In the origins of our US national identity, Indians were “foreigners.”

88. Indian Tribal Sovereignty, since at least 1831, have been defined as **“domestic dependent nations”** whose **"relation to the United States resembles that of a ward to his guardian."** *Cherokee Nation v.*

State of Georgia, 30 U.S. 1, 5 Pet. 1 (1831)(C.J. John Marshall):

...Though the Indians are acknowledged to have an unquestionable, and heretofore unquestioned right to the lands they occupy, until that right shall be extinguished by a voluntary cession to our government; it it may well be doubted whether those tribes which reside within the acknowledged [international] boundaries of the United States can, with strict accuracy, be denominated foreign nations. They may, more correctly, perhaps, be denominated domestic dependent nations...”

89. The next year, in *Worcester v. State of Georgia*, Chief Justice Marshall continuing his crusade and dissertation upholding Federal judicial authority to decide relationships with the Tribes, wrote further that **"the whole intercourse between the United States and this [Cherokee**

Indian] nation, is, by our constitution and laws, vested in the government of the United States." 31 U.S. 515, 6 Pet. 515.

90. I ask: should not removal to Federal Court thus be permitted as it would unquestionably be in a case transcending international boundaries?

91. The Supreme Court's recent decisions concerning Oklahoma tribal lands, by strengthening sovereign boundaries, move Indian reservations toward a legal status more analogous to either states or foreign countries.

92. Yet at the same time, these decisions maintain and reinforce the aforementioned unique "domestic dependent nations" framework established in *Cherokee Nation v. State of Ga.*, 30 U.S. 1 (1831).

93. As domestic dependent nations, Indian Tribes and their courts depend upon the protection of the United States Constitution from the tyranny of local power elite majorities such as those of the Dupuis, Mathias (my son's father's), and McClure families, among others, which clearly controlling the CS&KT Tribal Courts (as exemplified both in my case and Michael W. Futrell's, and possibly others known but yet to come forward)

94. While *McGirt v. Oklahoma*, 591 U.S. 894 (2020) strengthened tribal territorial integrity by confirming reservation boundaries, and *Oklahoma v. Castro-Huerta*, 597 U.S. 629 (2022) clarified concurrent state jurisdiction over certain crimes, both decisions preserve the

distinctive quasi-sovereign status of tribal nations that exists within, but separate from and subject to, the federal-state constitutional framework.

95. Functional Equivalence Theory: Modern tribal courts increasingly perform functions equivalent to state courts in adjudicating disputes involving federal law and nonmembers.

96. The empirical evidence cited in recent federal decisions demonstrates that "tribal courts are even-handed in dispensing justice to nonmembers," *FMC Corporation v. Shoshone-Bannock Tribes*, 942 F.3d 916 (*supra*, 2019) undermining any policy rationale for continued exclusion from removal jurisdiction based on bias concerns.

STATUTORY CONSTRUCTION ARGUMENTS FOR EXTENSION

97. The removal statutes contain internal evidence supporting extension to tribal courts through proper constitutional interpretation. Section 1442(d) specifically defines "State court" to include "a tribal court" in the context of federal officer removal, 28 USCA §1442 demonstrating that Congress knows how to include tribal courts when it intends to do so.

98. This creates an argument that the exclusion from general removal statutes reflects drafting oversight rather than intentional limitation.

99. Constitutional Avoidance Doctrine: Courts must interpret statutes to avoid constitutional problems where possible.

100. Given the equal protection and due process concerns created by the current removal gap, and the heavy burden imposed by the “Tribal Exhaustion” doctrines, extending the removal statutes to include tribal courts would eliminate potential constitutional violations while serving the underlying congressional purpose of ensuring federal forum access for federal statutory and especially claims for the enforcement of fundamental constitutional rights.

101. The net result would be the improvement and empowerment of Tribal Courts by setting them up as equal in dignity to state courts.

PRECEDENTIAL FOUNDATION FOR LEGAL EXTENSION

102. While no court has accepted removal from tribal courts, the recognition of interpretive difficulties in this area provides a foundation for Rule 11(b)(2) arguments. In *Kerr-McGee Corp. v. Farley*, 115 F.3d 1498 (10th Circuit, 1997), the Tenth Circuit noted that "**statutory silence**" on tribal court removal "cannot be converted into an '**express jurisdictional prohibition**' on the exercise of tribal adjudicatory authority," suggesting courts recognize the removal gap creates interpretive difficulties rather than clear congressional intent to exclude tribal courts.

PRACTICAL IMPLICATIONS

103. The current federal removal framework creates substantial disparity between tribal court and state court defendants: both those facing federal claims or those seeking the protection and security from local power-elite prejudice and political manipulation (such as I am in my present situation).

104. Defendants or respondents subject to race-based (“tribal”) discrimination in tribal courts (as I am) are denied the removal rights available to all state court defendants, potentially leaving them without access to federal forum for federal questions.

105. For defendants in a position similar to mine, this could mean being forced to litigate federal civil rights issues in a forum with actual or apparent conflicts of interest (extended family control of the Tribal Courts) while similarly situated state court defendants would have automatic removal rights, or waiving these rights all together.

RECENT DEVELOPMENTS

106. Recent developments include recognition by courts citing scholarly authority that removal statutes were drafted when tribal courts were “nonexistent or not significant.” *Williams-Willis v. Carmel Financial Corp.*, 139 F.Supp.2d 773 (S.D. Miss., 2001).

107. There has been growing scholarly recognition that the removal gap creates anomalies, empirical studies showing tribal courts provide fair treatment to nonmembers, *FMC Corporation v. Shoshone-Bannock Tribes*, 942 F.3d 916 (*supra*, 2019) and recent cases continue to acknowledge the anomaly but apply strict construction pending congressional action---or judicial modification, as I am seeking here.

CONCLUSIONS AND SUMMARY

108. Tribal courts possess inherent sovereign authority to adjudicate disputes involving their members and issues arising on tribal lands, but their jurisdiction over nonmembers—even Indians of different Native American tribes, such as I, Jamie Baldwin, your present removing respondent—is or ought to be limited and subject to significant legal constraints.

109. Federal laws, including the Indian Child Welfare Act, are designed to protect my and my son’s federal rights, including the right to special accommodations for disabilities, and not just to assign rights to one parent’s tribe arbitrarily and capriciously based on residence alone.

110. Tribal identity, to be real and meaningful, must be based on cultural, genetic, linguistic and geographical heritage and origin.

111. My son has the right to learn my own Navajo language, culture and history, which are integral to his tribal identity.

112. Such rules would have the effect of wiping out tribal cultural and genetic heritage entirely.

113. While tribes retain broad powers to regulate members and tribal territory, civil jurisdiction over nonmember defendants is restricted under the principal Montana exceptions: consensual relationships or conduct that affects tribal integrity, including but not limited to child custody.

114. Tribal adjudicatory jurisdiction does not exceed legislative jurisdiction, and without express or implied consent, tribal courts generally lack authority over non-Indians (and “alien” Tribal members such as I, the undersigned removing Defendant Jamie Baldwin, clearly am) in civil disputes, especially child custody disputes, absent a compelling nexus to one tribal membership or specific cultural or genetic and/or land-related activities.

115. Non-members challenged in tribal courts may indeed under current law seek federal court intervention, but the cost of doing this is absolutely prohibitive in circumstances such as those in this case, where the tribe has denied my right to free legal assistance and it appears that federal courts may, under current law, require exhaustion of tribal remedies before review, except under narrowly defined exceptions including tribal bad faith, harassment, or lack of jurisdiction.

116. I am suing here to extend, modify, or reverse existing law, or to make new law, to protect my and my son's fundamental rights to equal access to justice and especially the rights and special needs of persons with disabilities.

117. The delay occasioned by appeal and exhaustion of Tribal Court remedies will surely result in irreparable injury both to me and my son.

118. The tribal exhaustion doctrine reflects federal courts' respect for tribal sovereignty and comity, requiring tribal courts the first opportunity to determine jurisdictional questions, though some cases allow bypass when exhaustion is futile or the tribal court clearly lacks jurisdiction.

119. Federal courts afford comity to tribal judgments but with scrutiny for due process violations or jurisdictional defects.

120. Existing federal removal statutes do not explicitly authorize removal from tribal courts to federal courts based on civil rights claims, reflecting tribal courts' unique jurisdictional status and sovereignty limitations.

See **152 AMJUR TRIALS 71, 116 AMJUR TRIALS 395.**

121. Above all, when tribal courts deny due process or equal protection, and particularly where tribal court officials exhibit bias or political control, federal courts may scrutinize tribal judgments more rigorously, including denying enforcement or refusing comity.

122. Tribal forum exhaustion rules balance tribal sovereignty with federal constitutional protections, permitting federal court review only in exceptional circumstances such as tribal court jurisdiction pursued in bad faith or manifest futility.

123. However, given that controlling precedent, including *Nevada v. Hicks*, establishes limitations on tribal jurisdiction over federal civil rights and constitutional claims and underscores federal courts' deferential but circumscribed approach to tribal adjudications *FPP § 4469, 186 A.L.R. Fed. 71, 116 AMJUR TRIALS 395*, the CS&KT Tribal Court, even if it were willing, would lack legal competence (jurisdictional power) to decide my constitutional challenges to the procedures and biases in this case.

124. But these issues MUST BE DECIDED, under the Federal Constitution, by a constitutionally competent court.

PRAYER FOR RELIEF

125. For all the above-and-foregoing reasons, I, your undersigned removing Defendant Jamie Baldwin, move and pray that this Court affirm my Civil Rights Removal and allow this case to proceed for review of civil rights violations, and denial of my son's rights to accommodation for disability in any parenting plan, in Federal Court.

126. Civil Rights Removal is a safety valve that can and should be, I would say MUST be allowed, and

127. WHEREFORE, I, the undersigned Defendant/ Respondent in this case, on my own behalf, and on behalf of my minor son, earnestly and in good faith and conscience move this Court to sustain this Notice of Civil Rights Removal and so to allow my removal to stand, and to sustain Federal Jurisdiction over this case on the above-described, ***Greenwood v. Peacock*** grounds; those grounds are, precisely: that I cannot obtain a fair trial and will be automatically and systemically denied my right to equal protection of the laws in the CS&KT Tribal Court controlled by friends and relatives of an unfair plaintiff.

128. To force me to exhaust Tribal Remedies, by appeal and then possible retrial under these circumstances where I know I am the targeted victim of systemic discrimination on behalf of my Tribal, i.e., “racial” (genetic and cultural heritage arising from different geographical origin) is inconsistent with the due process and equal protection guarantees of the Fifth, Ninth, and Fourteenth Amendments, and would constitute a nugatory mockery of due process, equal access to the courts, fair play, and substantial justice.

FINAL STATEMENT REITERATED

129. As articulated above, the existence of a policy of “flagging” non-tribal members to ensure that Tribal attorneys and advocates do not represent them constitutes an extraordinary circumstance, a (tribal-dependent-nation-wide) jurisdictional wide policy of infringement on rights.

130. There is no principled difference between this CS&KT Tribal policy and a law which would prevent white lawyers from representing black (or for that matter, Native American) clients.

VERIFICATION & ACKNOWLEDGMENT

131. I, Jamie Baldwin, acknowledge, affirm, certify, and swear under my oath and penalty of perjury that I have read the above-and-foregoing document and that all averments of fact set forth therein are true and correct according to my personal knowledge.

Respectfully submitted,

Thursday
December 18, 2025

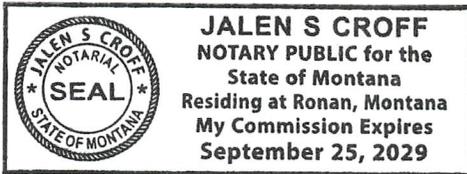


Jamie Baldwin
P.O. Box 435
Pablo, Montana 59855
(406) 499-8743
jamie.baldwin7@gmail.com

NOTARY'S JURAT

I am a notary public in and for Lake County in the State of Montana.

On this Thursday, the 18th Day of December 2025, Jamie Baldwin appeared in person before me to give her oath and to acknowledge, affirm, certify, and swear under penalty of perjury that he had read the above-and-foregoing document and that all averments of fact set forth therein are true and correct according to his personal knowledge.



Jalen S. Croff
Notary Public, State of Montana

Printed Name of Notary: Jalen S. Croff

My Commission Expires: September 25th, 2029

Business Address & Telephone of Notary: _____

63659 us HWY 93, Ronan, MT 59864

(406) 676-2000

CERTIFICATE OF SERVICE

I hereby affirm and certify that, as required by 28 U.S.C. §1446(d), I sent a true and correct copy of the above-and-foregoing Notice of Removal to the Plaintiffs, by U.S. Mail and email as follows:

Justin Kalmbach
601 1st Street, East
Polson, Montana 59860

Email: justin@polsonlegal.com

And I further affirm and certify that I filed a true-and-correct copy of the same Notice of Removal with the clerk of the Tribal Court of the Confederated Salish & Kootenai Tribes as if it were the State Court, in order to effect the removal and impose a stay upon all Tribal Proceedings unless and until the case is remanded.

Thursday
December 18, 2025



Jamie Baldwin
P.O. Box 435
Pablo, Montana 59855
(406) 499-8743
jamie.baldwin7@gmail.com