

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

AVOYELLES WATER
COMMISSION

CIVIL ACTION NO. 1:24-CV-01400

VERSUS

JUDGE EDWARDS

WARD 3 AVOYELLES
WATERWORKS DISTRICT

MAGISTRATE JUDGE
PEREZ-MONTES

MOTION FOR REMAND

INTRODUCTION

Pursuant to 28 USC § 1447(c), Plaintiff Avoyelles Water Commission (hereinafter referred to as “the Commission”) moves this Court to remand this matter to the Tunica-Biloxi Tribal Court. This lawsuit arises from a dispute between the Commission and Ward 3 Avoyelles Waterworks District (hereinafter referred to as “Ward 3”) over the Commission’s right to access a watermain located on tribal property. Remand is required for any or all of four independently dispositive reasons: (1) because the removal statute does not authorize removal from tribal court, (2) because Ward 3 failed to timely remove the lawsuit even if it were permitted to do so, (3) because this Court lacks jurisdiction over issues involving tribal land, and (4) because, even if this Court had jurisdiction, well-established principles of comity require deference to the Tunica-Biloxi Tribal Court. This Court should reject Ward 3’s improvident attempt at removal, as failure to remand would be entirely contrary to fundamental principles of comity between federal and tribal courts.

This lawsuit was instituted by a Petition for Injunctive Relief filed by the Commission seeking to enjoin Ward 3 from impeding the Commission’s representatives from accessing the water main located on tribal property. Although this lawsuit is between nontribal entities and

portions of the infrastructure (the 12 inch pipe) are located on tribal and non-tribal land, the contractual conduct involved directly has an impact on the Tunica-Biloxi people.

Respectfully submitted,

/s/ Jonathan T. Gaspard

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ORDER

Considering the foregoing *Motion For Remand*:

IT IS ORDERED that Ward 3 show cause on the ____ day of _____, 2024 at _____ o'clock why the *Motion To Remand* should not be granted.

ORDER signed in Alexandria, Louisiana on this ____ day of _____, 2024.

U.S. District Judge