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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION**

YUROK TRIBE,
Plaintiff,

vs.

**CITY OF TRINIDAD, CHERYL KELLY,
BRYCE KENNY, DOES 1-20**

Defendants

Civ. No.:

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF 28 U.S.C.
2201, 42 U.S.C. 1983, 28 U.S.C. 2202;
FEDERAL QUESTION 28 U.S.C. 1331;
INDIAN TRIBES, 28 U.S.C. §1362**

INTRODUCTION

1. Tribal sovereignty is a matter of law. Sovereignty does not yield to the repetition of disrespect. The Constitutional boundaries of sovereignty are not optional.
2. Jurisdiction does not exist because a municipality asserts it. The rule of law, not the rule of preference, governs the reach of every government within the United States..
3. When a municipality, however well-intentioned, claims authority that Congress never gave, that claim fails.
4. This action arises out of the continued wrongful conduct and preventable, unlawful failures of the City of Trinidad which have resulted in the repeated disturbance, exposure, degradation, loss, continued mishandling of Yurok Tribe ancestral human remains and associated

1 cultural materials at Tsurai Village, on the southern portion of Plaintiff’s ancestral lands and
2 western edge of Defendant City of Trinidad.

3 5. On May 6, 2026, Defendants City of Trinidad and Kelly unlawfully made findings of fact
4 or a legal determination that:
5

- 6 (a) the Trinidad Rancheria is traditionally and culturally affiliated with the
7 Tsurai Study Area; (b) over sixty percent of the Trinidad Rancheria’s current
8 members are lineal or lateral descendants of the last known individual’s
9 residing in Tsurai village between 1900 and 1916, and that an additional
10 several dozen Trinidad Rancheria members are descendants of Big Lagoon
11 Charlie, a prominent Yurok figure who lived with his family in Trinidad
12 in 1900; (c) Tsurai village lies within the ancestral homeland of the Trinidad
13 Rancheria; and (d) Tsurai village and the cultural landscape of which it is a
14 component is culturally and spiritually significant to the Trinidad Rancheria.

15 6. By this action, the Yurok Tribe seeks a declaratory judgment and injunctive relief stating
16 that the Defendant, City of Trinidad (“City”), a California general law city, does not have the
17 legal authority to make legal determinations or findings of fact regarding any Native American
18 tribe’s traditional and/or cultural affiliations with the Yurok Village of Tsurai, or a determination
19 regarding Native American lineal or lateral descendants (“Findings of Fact”).

20 7. Defendant City, having asserted jurisdiction over Native American traditional and
21 cultural affiliation as well as lineal and lateral descendance, asserted such jurisdiction contrary to
22 established authority, and asserted a power Congress never bestowed on a municipality.

23 8. The Yurok Tribe seeks a judgment that Defendant City exceeded its legal authority in

24 making these Findings of Fact, declaring any and all City actions taken which use, reference or
25 incorporate the Findings of Fact (e.g. a partial settlement agreement, resolution, appointment,
26
27

1 etc.) are null and void, and issue and injunction preventing any action by Defendants City, Kelly
2 and Kenny based on these improper Finding of Fact from moving forward.

3 9. The Yurok Tribe also requests an injunction to prevent the City from making any
4 appointment(s) to the Tsurai Management Team (“TMT”) now or in the future, and declaring the
5 City has no legal authority to unilaterally appoint any party to the TMT.
6

7 **PARTIES**

8 10. The Yurok Tribe is a federally recognized Indian tribe as defined in 25 U.S.C. §5131 and
9 brings this action on its own behalf and on behalf of its tribal members. The Yurok Tribe has a
10 formal government-to-government relationship with the United States, is not subject to state
11 authority, possesses inherent sovereign powers of self-government, is eligible for federal funding
12 and protective services, and holds a protected “domestic dependent nation” status.
13

14 11. The City of Trinidad is a California general law city that operates under the general laws,
15 statutes, and state constitution of California and is bound by the California law regarding
16 structure, elections, and powers, with authority limited to what is expressly granted by the
17 California Government Code.
18

19 12. Cheryl Kelly is the Mayor of the City of Trinidad, a resident of Humboldt County, and
20 participated in an obligatory consultation with the Yurok Tribe regarding Tsurai Village in bad
21 faith and for improper purpose(s).
22

23 13. Bryce Kenny is the mayor-elect of the City of Trinidad, a resident of Humboldt County,
24 and participated in an obligatory consultation with the Yurok Tribe regarding Tsurai Village in
25 bad faith and for improper purpose(s).
26
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1 14. The California Government Code does not empower a municipality nor its chief
2 executive(s) to commit *ultra vires* acts to “recognize” Native American tribes, make Findings of
3 Fact, nor make ancestry and membership decision regarding those tribes; the State of California
4 relies on federal recognition lists for consultation.
5

6 15. Native American tribes alone decide their traditional and cultural affiliations, ancestry
7 and membership based upon their own regulations, or by the Department of the Interior through
8 official records, not by local, city or state determination.
9

10 16. A controversy exists in that the Yurok Tribe through its cultural and tribal sovereignty,
11 and the United States Congress through the United States Constitution have exclusive and
12 plenary jurisdiction to make legal determinations regarding traditional and/or cultural affiliations
13 as well as lineal and lateral descendancy, not a municipality.
14

15 **JURISDICTION AND VENUE**

16 17. This action is brought pursuant to 28 U.S.C. §§1331 and 1362, which grant federal
17 district courts with original jurisdiction over civil actions brought by recognized Indian tribes
18 where the controversy arises under the Constitution, laws, or treaties of the United States, or
19 presents a federal question.
20

21 18. Native American tribes are distinct, independent political communities, retaining their
22 original natural rights in matters of local self-government, and tribal sovereignty is dependent on,
23 and subordinate to, only the federal government, not the states.
24

25 19. If state-court jurisdiction over Native Americans or activities on Native American lands
26 would interfere with tribal sovereignty and self-government, the state courts are generally
27 divested of jurisdiction as a matter of federal law.
28

1 20. This Court has subject matter jurisdiction over this action under 28 U.S.C. §1331 and 28
2 U.S.C. §1362. Plaintiff twice gave Defendant notice, prior to Defendants taking the
3 unconstitutional actions complained of herein, that Defendants were exceeding their legal
4 authority and inviting a federal lawsuit. A copy of Plaintiff's Cease and Desist Letter is attached
5 hereto as Exhibit "A".
6

7 21. Venue is proper in this Court under 28 U.S.C. § 1391 because all of the events or
8 omissions giving rise to this action occurred in the City of Trinidad, CA, which is located in the
9 Northern District of California.
10

11 22. This case is properly assigned to the Eureka Division under Civil L.R. 3-2(f) because all
12 of the events or omissions which give rise to this action occurred in Humboldt County, and
13 because Plaintiff is located in Del Norte and Humboldt Counties.
14

15 **BACKGROUND**

16 23. Plaintiff has lived along the Pacific Coast and inland on the Klamath River since time
17 immemorial. From the beginning, Plaintiff has followed the laws of the Creator, which became
18 the whole fabric of Yurok Tribal sovereignty. For millennia, the religion of Plaintiff and
19 sovereignty have been pervasive through all Yurok traditional villages.
20

21 24. The Ancestral lands of Plaintiff extend unbroken along the Pacific Ocean coast (including
22 usual and customary off-shore fishing areas) from Damnation Creek, its northern boundary, to
23 the southern boundary of the Little River drainage basin, and unbroken along the Klamath River,
24 including both sides and its bed, from its mouth upstream to an including the Bluff Creek
25 drainage basin.
26
27

1 25. The Trinidad Rancheria was established in 1906 by enactment of the United States
2 Congress which gave authority for the federal government to purchase small tracts of Plaintiff's
3 ancestral land for homeless California Indians.

4
5 26. In 1908, sixty acres of land along U.S. 101 in Humboldt County were purchased for
6 landless Indians living along the Northern California Coast.

7 27. The Trinidad Rancheria is within the aboriginal territory of Plaintiff and includes sacred
8 and culturally significant areas to Plaintiff.

9 28. On July 22, 1978, the State of California's Department of Parks and Recreation erected
10 Historical Marker Number 838 at the intersection of Ocean Avenue and Edwards Street in
11 Defendant City, which reads:
12

13 Directly below was located the ancient Yurok village of Tsurai. A prehistoric,
14 permanent Indian community, it was first located and described by Captains
15 Bodega and Heceta, June 9-19, 1775. The houses were of hand-split redwood
16 planks, designed for defense and protection. The village was occupied until
17 1916.

18 29. In 1988, Congress enacted the Hoopa-Yurok Settlement Act of 1988 (Public Law 100-
19 580) which bars Rancherias from making any claims to Plaintiff's cultural resources, including
20 ancestral territory.

21 30. On July 7, 1991, because Defendant City's insurer was concerned about risk, Defendant
22 City barred Axel Lindgren, a Yurok Tribal member, from caring for his ancestors' burial grounds
23 in Tsurai Village.

24 31. Plaintiff's spiritual and cultural traditions impose sacred obligations on descendants to
25 protect, care for, and reinter ancestral human remains and associated funerary objects. The
26 disturbance, exposure, weathering, scattering, mishandling, destruction, and loss of ancestral
27

28 COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF 28 U.S.C. 2201, 42 U.S.C. 1983, 28 U.S.C.
2202; FEDERAL QUESTION 28 U.S.C. 1331; INDIAN TRIBES, 28 U.S.C. §1362 - 6

1 remains constitute profound cultural and spiritual harms that no monetary compensation can
2 fully redress.

3 32. In 2005, the Tsurai Management Team (“TMT”) was formed as part of a legal settlement,
4 with four (4) members: Plaintiff, the Tsurai Ancestral Society, Defendant City, and the
5 California Coastal Conservancy (“Conservancy”).

6 33. In 2007, the Tsurai Management Plan (“TMP”) was drafted by Plaintiff with guidance
7 from the TMT and financial support from the Conservancy.

8 34. On February 13, 2018, at a Special Called City Council meeting, Defendant City adopted
9 the TMP, which Defendant City’s approved minutes record included the following statements:
10

11 **DISCUSSION/ACTION AGENDA ITEMS**

12 1. Discussion of the Tsurai Management Team.

13 * * *

14 The City of Trinidad is the current owner of 12.5 acres of land which
15 includes the historic Yurok village of Tsurai and is referred to as the Tsurai
16 Study Area* (TSA). The City acquired the TSA from the California Coastal
17 Conservancy, who hold an easement for public access and cultural resource
protection over the property.

18 35. On or about February 13, 2018, Defendant City formally adopted General Plan Policy 69
19 regarding Tsurai Village as part of its Local Coastal Program Guide, notably failing to mention
20 Plaintiff, disrespecting Yurok cultural and tribal sovereignty. Policy 69 (which includes the
21 Trinidad Rancheria to the exclusion of Plaintiff) states:
22

23 There shall be no disturbance, vegetative removal or construction, except for
24 a protective fence around the burial ground, on lands designated as Open
25 Space within the Tsurai Study Area without the approval of the lineal
26 descendants of Tsurai, Trinidad Rancheria, City of Trinidad, and the State
Historic Preservation Office”.

1 35. On or about October 4, 2018, Defendant City filed Case No. DR180684, *City of Trinidad*
2 *v. Tsurai Ancestral Society, Yurok Tribe, California State Coastal Conservancy, Trinidad*
3 *Rancheria, and Does 1-20*, for declaratory relief in the Superior Court of California, County of
4 Humboldt (the "Lawsuit").
5

6 36. Defendant City had not consulted Plaintiff prior to filing the Lawsuit regarding the claims
7 against Plaintiff, completely disregarding and disrespecting Plaintiff's sovereign immunity.

8 37. On or about February 26, 2019, Plaintiff was dismissed from the Lawsuit after
9 successfully demurring by asserting its sovereign immunity from the Lawsuit.

10 38. Plaintiff has had several disputes with Defendant City opening recreational trails over and
11 through Yurok burial grounds, installing benches over graves, and the improper handling of
12 human remains, including Tsurai Village.
13

14 39. When Defendant City attempted to re-open the Axel Lindgren Memorial Trail without
15 input or approval of Mr. Lindgren's direct descendants or Plaintiff, the Tsurai Ancestral Society
16 appealed the permit Defendant City issued to itself to the California Coastal Commission
17 ("CCC") in May of 2025.
18

19 40. On September 16, 2025, and based on the recitals in Policy 69 (which include the
20 Trinidad Rancheria to the exclusion of Plaintiff), the CCC found substantial issues with
21 Defendant City's application, one being Defendant City had not consulted with Native American
22 tribes, including Plaintiff, and found:
23

24 **1. Consultation with Native American Groups**

25 Both the applicant (with its own consultation responsibilities) and the
26 Commission will need to engage in consultation with Native American tribes
27 and tribal representatives for any ground disturbance, construction, or
vegetation removal proposed. This requires consultation with, at a minimum,

1 the Tsurai Ancestral Society, Trinidad Rancheria, and the Yurok Tribe – all
2 of whom have known interest in the subject area. Recommendations and
3 feedback obtained through this consultation process will inform the de novo
4 CDP application review process.

5 41. In mid-January 2026, Plaintiff received a request from Defendants City, Kelly and Kenny
6 for consultation with Plaintiff regarding Tsurai Village.

7 42. On January 20, 2026, Plaintiff held a consultation at the request of Defendants, who
8 claimed they wanted to better understand Plaintiff’s position regarding Tsurai Village.

9 43. At the consultation, Plaintiff explained to Defendants Kelly and Kenny how Tsurai
10 Village was one of Plaintiff’s southernmost villages of its ancestral territory, and how the
11 village’s existence pre-dated the creation of both Defendant City as well as the Trinidad
12 Rancheria. Policy 69 was discussed and how it omitted Plaintiff to the benefit of the Trinidad
13 Rancheria. Plaintiff explained to Defendants Kelly and Kenny that Defendant City could make
14 no findings regarding the Trinidad Rancheria and Tsurai Village without intruding upon
15 Plaintiff’s sovereignty and harming Plaintiff.
16

17 44. On May 4, 2026, Defendant City posted “Notice of a Special City Council Meeting” to
18 be held on May 6, 2026 at 5:15 p.m. for the purpose of “DISCUSSION/ACTION AGENDA
19 ITEMS Resolution 2026-04: Approval of Partial Settlement Agreement with the Cher-Ae
20 Heights Indian Community of the Trinidad Rancheria and Authorization for Mayor to Execute
21 Agreement.”
22
23

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1 45. In the Partial Settlement Agreement (“PSA”), Defendant City agreed to, among other
2 things:

3 “1. The City of Trinidad City Council (“City Council”) will approve a
4 resolution unilaterally appointing the Char-Ae Heights Indian Community of
5 the Trinidad Rancheria (“Trinidad Rancheria”) to the Tsurai Management
6 Team (TMT) and the City Council will condition the City’s participation in
7 future TMT meetings on the Trinidad Rancheria participation as a member of
8 the TMT.

9 * * *

10 3. The City’s factual basis for the appointment shall include the following
11 finding: The Trinidad Rancheria has asserted and presented credible evidence
12 of the following: (a) the Trinidad Rancheria is traditionally and culturally
13 affiliated with the Tsurai Study Area; (b) over sixty percent of the Trinidad
14 Rancheria’s current members are lineal or lateral descendants of the last
15 known individuals residing in Tsurai Village between 1900 and 1916, and
16 that an additional several dozen Trinidad Rancheria members are descendants
17 of Big Lagoon Charlie, a prominent Yurok figure who lives with his family
18 in Trinidad in 1900; (c) Tsurai Village lies within the ancestral homeland of
19 the Trinidad Rancheria; and (d) Tsurai village and the cultural landscape of
20 which it is a component is culturally and spiritually significant to the
21 Trinidad Rancheria [sic]

22 4. The City Council’s factual basis for the appointment shall also include a
23 finding that the City Council recognizes and accepts that both the Trinidad
24 Rancheria and the Yurok Tribe have asserted and presented credible evidence
25 that their Tribes are culturally affiliated with the TSA, but the City is not
26 qualified to be the arbiter of cultural affiliation with regard to either tribe and
27 therefore accepts the assertions of both Tribes with respect and deference to
28 each.

29 46. Defendant City, in one sentence (paragraph 4, 4th-6th lines), admitted it was

30 unqualified to determine cultural affiliation and then made the Findings of Fact accepting
31 both tribes’ claims of cultural affiliation to Tsurai Village, *which is a legal determination*
32 Defendant City admitted only words before it was unqualified to make.

1 47. Paragraph 11 of the PSA provides:

2 Authority to Execute: The person executing this Agreement on behalf of each
3 Party represents that : (1) each is authorized by his or her respective entity to
4 execute this Agreement; (b) [sic] each is acting within the scope of his or her
5 authority as officers or duly authorized representatives of his or her
6 respective entity. These representations are in addition to, and not in
derogation of, all representations and warranties implied by law.

7 48. Defendant Kelly had no authority to execute the PSA based on the improper
8 Findings of Fact and was knowingly not acting within the scope of her authority as mayor
9 of Defendant City.

10 49. On May 5, 2026, Plaintiff sent a Cease-and-Desist Letter to Defendants Kelly and
11 City, informing Defendants they did not have the legal authority to make the findings of
12 fact regarding Native American tribes as Defendants had included within the PSA and
13 accompanying resolution Defendant City posted the day before.

14 50. Defendants Kelly and City did not respond to Plaintiff's cease and desist letter or
15 initiate any communication with Plaintiff to better understand the legal issue.

16 51. On May 6, 2026, Defendants' City Attorney added paragraph 15 to the PSA in
17 response to Plaintiff's Cease and Desist letter which provides:

18 15. No Adjudication or Impairment of Tribal Rights: For the avoidance of
19 doubt, nothing in this Agreement, City Council Resolution 2026-04, or any
20 related City action shall be construed to waive or impair any sovereignty,
21 governmental authority, cultural affiliation, cultural identity, ancestral claim
22 or other legal right of the Yurok Tribe, the Trinidad Rancheria, the Tsurai
23 Ancestral Society, any lineal descendant, or any other tribe, tribal entity, or
24 person. The City does not purport to determine the relative priority or legal
25 effect of any competing tribal, ancestral, or cultural claim, and expressly
26 disclaims any role as arbiter of such claims.

1 52. Despite being asked for its legal authority by Plaintiff's representative in
2 attendance at the May 6th Special City Council meeting, neither Defendants Kelly nor
3 City nor their City Attorney expressed any congressional authorization for actions they
4 were contemplating taking on May 6, 2026.
5

6 53. Defendant's City Council unanimously approved the following motion regarding
7 the PSA and Resolution 2026-04 on May 6, 2026:

8 Motion (Breckenridge/Waskiewicz) to adopt Resolution 2026-04; approving
9 the Partial Settlement Agreement between the City of Trinidad and the Cher-
10 Ae Heights Indian Community of the Trinidad Rancheria appointing the
11 Trinidad Rancheria to the Tsurai Management Team and authorizing the
12 Mayor to execute the Agreement on behalf of the City subject to: (1)
13 Staff/City Attorney inclusion of additional Section 15 in the Agreement as
14 directed by the Council; (2) Approval and execution of the Agreement by the
15 Trinidad Rancheria including additional Section 15; and (3) submission to the
16 Humboldt County Superior Court for approval and retention of jurisdiction as
17 stated in the Partial Settlement Agreement.

18 54. Defendants Kelly and Kenny, as officers of Defendant City, knew or should have
19 known they had no legal authority to make the improper Findings of Fact regarding
20 Native American traditional and cultural affiliations with as well as lineal and lateral
21 descendancy from Plaintiff's Tsurai Village.

22 55. Defendants City and Kelly acted after receiving advice from legal counsel and
23 knowingly acted outside the scope of their legal authority.

24 56. Defendants Kelly and Kenny requested a consultation with Plaintiff regarding
25 Tsurai Village in bad faith and for the improper purposes of being able to check a box on
26 meaningful consultation with Plaintiff as required by the CCC.
27

1 57. Defendants City, Kelly, and Kenny, all knowingly took improper action intruding
2 on Plaintiff's cultural and tribal sovereignty, harming the traditional and cultural
3 affiliations of Plaintiff and its ancestral village of Tsurai.

4 58. The actions of Defendants City, Kelly, and Kenny, are preempted by federal law,
5 and Defendants knowingly took their action after consultation with legal counsel and
6 lacking legal authority.

7 59. The actions of Defendants City, Kelly, and Kenny unlawfully encroach on
8 Plaintiff's cultural sovereignty and tribal sovereignty under color of municipal action.
9
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11 **CLAIMS FOR RELIEF**
12 **FIRST CLAIM FOR RELIEF**
13 **Declaratory Relief, 28 U.S.C. 2201**

14 60. Plaintiff incorporates herein by reference the allegations of paragraphs 1-59 as if set forth
15 herein.

16 61. An actual dispute has arisen between and among the Parties as to what legal authority, if
17 any, Defendants had to make any their Findings of Fact regarding the traditional and cultural
18 affiliations as well as the lineal and lateral descendants of the Yurok Village of Tsurai.

19 62. Before filing suit, Plaintiff 1) sent a cease and desist Unconstitutional conduct letter, and
20 2) had a representative present at the May 6, 2026 Defendant City City Council meeting, alerting
21 the city council members they did not have the legal authority to make a legal determination
22 regarding the traditional and cultural affiliations of Native American tribes.
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1 63. Defendants City and Kelly chose to ignore Plaintiff and act beyond their legal capacity in
2 determining the Trinidad Rancheria has equal traditional and cultural affiliations to Tsurai
3 Village as does Plaintiff.

4 64. Defendants' invasion of Plaintiff's cultural and tribal sovereignty constitutes irreparable
5 injury to Plaintiff, for the wrongful attribution of traditional and cultural affiliations regarding
6 Tsurai Village to any Native American tribe.

7 65. A judicial declaration is necessary and appropriate at this time, under the circumstances,
8 in order to educate all Defendants they have no rights or discretions to make legal determinations
9 or Findings of Fact regarding the traditional and cultural affiliations of Plaintiff, Plaintiff's
10 villages, or any other Native American tribe.
11

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13 **SECOND CLAIM FOR RELIEF**
14 **Lack of Subject Matter Jurisdiction, 28 U.S.C. 1331**

15 66. Plaintiff incorporates herein by reference the allegations of paragraphs 1-65 as if set forth
16 herein.

17 67. The actions taken by Defendants and complained of herein fall outside the scope of
18 California's Constitution (Article IX, § 5) or general police powers (Article XI, §7).

19 68. The actions taken by Defendants conflict with and were not authorized by California
20 Government Code §§34000-354000 which govern Defendant City.

21 69. An order is necessary and appropriate at this time, ruling that Defendants City and Kelly
22 had no legal authority, right, or discretion to make legal determinations or the Findings of Fact
23 regarding the traditional and cultural affiliations regarding any Native American tribe, and
24 nullify the Findings of Fact and the fruit of the Findings of Fact.
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THIRD CLAIM FOR RELIEF

Failure to Provide Meaningful Consultation, 54 U.S.C. 302706

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2
3 70. Plaintiff incorporates herein by reference the allegations of paragraphs 1-69 as if set forth
4 herein.

5
6 71. In mid-January 2026, Defendant City requested a consultation with the Yurok Tribe
7 regarding Tsurai Village.

8 72. Consultation was held between Plaintiff and Defendants Kelly and Kenny on January 20,
9 2026, via Zoom videoconference.

10 73. In this conference, Plaintiff explained to Defendants Kelly and Kenny the history of the
11 Yurok village of Tsurai, which existed prior to the formation of Defendant City, the Trinidad
12 Rancheria, or the federal government's purchase of Yurok ancestral land for the Trinidad
13 Rancheria to be located on.
14

15 74. Defendants Kelly and Kenny failed to conduct meaningful consultation with Plaintiff
16 regarding Tsurai Village as the improper Findings of Fact demonstrate, as the improper Findings
17 of Fact are arbitrary, an abuse of discretion, and not otherwise in accordance with the law.
18

19 75. Plaintiff believes Defendants Kelly and Kenny requested the consultation with Plaintiff
20 solely to be able to "check the box" required by the CCC to re-open the Axel Lingren Memorial
21 Trail, not because they were interested in Plaintiff's position regarding Tsurai Village.

22 76. Defendants Kelly and Kenny completely ignored Plaintiff's input into a well-documented
23 ancestral village of Plaintiff, and Plaintiff alone.

24
25 77. Plaintiff requests this Court invalidate and order the Defendants to withdraw any and all
26 applications where Defendants City, Kelly and/or Kenny represent they have conducted
27 "meaningful consultation" with Plaintiff.

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FOURTH CLAIM FOR RELIEF
Injunctive Relief, 28 U.S.C. 2202

78. Plaintiff incorporates herein the allegations of paragraphs 1-77 as if set forth herein.

79. Plaintiff's cause of action arises under the Constitution, treaties, and/or laws of the United States.

80. Plaintiff is a federally recognized Indian tribe as that term is defined in 28 U.S.C. 1151.

81. Plaintiff has brought this suit to protect its cultural sovereignty and tribal sovereignty interests which the Defendant City's improper Findings of Fact encroach upon.

82. Defendants' City, Kelly and Kenny all took action which exceeded their lawful municipal jurisdiction due to federal preemption, lack of state-granted authority, and impermissible encroachment on Plaintiff's cultural and tribal sovereignty.

83. Defendants' *ultra vires* actions have and will continue to cause Plaintiff irreparable harm that cannot be remedied by money damages, poses an immediate threat to Plaintiff's sacred sites and burial grounds, and interferes with Plaintiff's cultural and tribal sovereignty.

84. Native American tribes and the federal government alone have jurisdiction regarding Native American tribes. Defendants lacked legal authority for their improper Findings of Fact, and it is likely Plaintiff will succeed on the merits of this action.

85. Defendants' improper Findings of Fact, and the actions Defendants have taken incorporating these improper Findings of Fact, have threatened and caused injury to Plaintiff and its tribal members which outweighs any potential harm Defendants would suffer as the result of an injunction.

1 86. Granting Plaintiff an injunction would serve the public interest, by ensuring Defendants
2 do not intrude on the federal policy of protecting tribal self-government and Native American
3 rights.
4

5 **PRAYER FOR RELIEF**

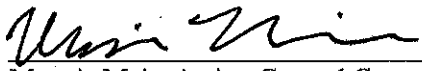
6 WHEREFORE, Plaintiff respectfully requests that the Court:

- 7 A. Declare that Defendants City of Trinidad and Cheryl Kelly exceeded their legal
8 authority by making the improper Findings of Fact regarding the traditional and
9 cultural affiliation of Native American tribes regarding Tsurai Village and the
10 legal and lateral descendants of Tsurai ancestors;
11
- 12 B. Order that any official actions taken by Defendant City that in any way
13 incorporate, reference, use or relate to the improper Finding of Fact (e.g., the
14 Partial Settlement Agreement, City of Trinidad Resolution Number 2026-04, and
15 Defendants attempted appointment to the Tsurai Management Team, etc.) are null
16 and void and against public policy;
17
- 18 C. Grant a restraining order and/or preliminary and permanent injunctive relief
19 preventing Defendant City of Trinidad from using the improper Findings of Fact
20 presently and in the future for any purpose;
21
- 22 D. Order Defendant City of Trinidad to rescind any official actions, agreements, and
23 resolutions incorporating the improper Findings of Fact;
24
- 25 E. Order Defendant City of Trinidad rescind its Policy 69 regarding Tsurai Village
26 which includes the Trinidad Rancheria and excludes Plaintiff;
27

- 1 F. Order Defendant City to withdraw all applications, appeals, or any other legal
2 process where Defendants City, Kelly and/or Kenny represented they have held
3 meaningful consultation with Plaintiff;
4
5 G. Order Defendant City of Trinidad to rescind its attempted unilateral appointment
6 to the Tsurai Management Team based upon the improper Findings of Fact;
7
8 H. Award Plaintiff its reasonable attorneys fees, expenses, costs, and disbursements,
9 including attorneys' fees associated with this litigation; and,
10
11 I. Grant Plaintiff such further and additional relief as the Court may deem just and
12 proper.

13 DATED this 1 day of June 2026.

14 Respectfully Submitted

15 By: 
16 Maggie Mais, Acting General Counsel
17 SBN 320665
18 Attorney for Plaintiff
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EXHIBIT "A"
PLAINTIFF'S MAY 5, 2026
CEASE & DESIST LETTER
TO DEFENDANTS CITY AND KELLY

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF 28 U.S.C. 2201, 42 U.S.C. 1983, 28 U.S.C. 2202; FEDERAL QUESTION 28 U.S.C. 1331; INDIAN TRIBES, 28 U.S.C. §1362 - 19