

ORIGINAL

2026 OK 36



IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

Nathan Anderson, Ryan Herrod, Wesley)
Montemayor, Leyahna Hicks, Malinda)
Noon, Inda McGrit, Jason Sawyer, Joyce)
Noon, Summer Barnes, Leeanna Tomah,)
Individually and as elected officials of the)
Thlopthlocco Tribal Town, a federally)
recognized Indian Tribe,)

Petitioners,)

v.)

The Honorable Lawrence Parish, District)
Judge of Okfuskee County, Oklahoma,)

Respondent,)

and)

Plaintiffs holding themselves out as)
Thlopthlocco Tribal Town, a federally)
recognized Indian Tribe in Case No.)
CJ-2025-79 in District Court of Okfuskee)
County,)

Real Party in Interest.)

FILED
SUPREME COURT
STATE OF OKLAHOMA

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**JETT, J., with whom WINCHESTER, DARBY, and KANE, JJ., join,
concurring specially:**

¶ 1 A writ of prohibition should issue because the District Court for Okfuskee County lacks subject matter jurisdiction to decide the threshold issue in this case: which faction of the Thlopthlocco Tribal Town may lawfully govern the Tribe. My conclusion that the district court lacks subject matter jurisdiction is not based on the litigants' status as tribal members or because this dispute seems to have arisen in

Indian Country. Rather, the district court’s subject matter jurisdiction is preempted because determining the leadership of the Tribe would “unlawfully infringe on tribal self-government.” *Oklahoma v. Castro-Huerta*, 597 U.S. 629, 638 (2022).

I.

¶ 2 To determine the extent of Oklahoma’s jurisdictional authority over on-reservation activity, we must apply the framework set forth in *Oklahoma v. Castro-Huerta*, 597 U.S. 629 (2022). See *In re S.J.W.*, 2023 OK 49, ¶ 13, 535 P.3d 1235, 1242; *Milne v. Hudson*, 2022 OK 84, ¶¶ 4, 11, 519 P.3d 511, 518–20 (Darby, J., concurring); *In re Stroble*, 2025 OK 48, ¶ 3, ___ P.3d ___ (Kane, J., concurring), *cert. denied sub nom. Stroble v. Okla. Tax Comm’n*, 25-382, 2026 WL 922510 (U.S. Apr. 6, 2026). “To begin with, the [U.S.] Constitution allows a State to exercise jurisdiction in Indian country.” *Castro-Huerta*, 597 U.S. at 636. “When determining jurisdictional disputes for cases arising within the external boundaries of a reservation, we must remember that Oklahoma’s sovereignty does not stop at reservation borders.” *In re S.J.W.*, 2023 OK 49, ¶ 13, 535 P.3d at 1242 (citing *Castro-Huerta*, 597 U.S. at 637). “Indian country is part of the State, not separate from the State.” *Castro-Huerta*, 597 U.S. at 636.

¶ 3 Oklahoma’s jurisdiction “may be preempted (i) by federal law under ordinary principles of federal preemption, or (ii) when the exercise of state jurisdiction would unlawfully infringe on tribal self-government.” *Castro-Huerta*, 597 U.S. at 638. To determine whether the exercise of state jurisdiction would unlawfully infringe upon tribal self-government, we apply a balancing test that considers “tribal interests, federal interests, and state interests.” *Id.* at 649.

¶ 4 The present case deals with the extent of an Oklahoma district court's subject matter jurisdiction. The default rule set by the Oklahoma Constitution is that district courts may exercise subject matter jurisdiction in all justiciable matters. Okla. Const. art. VII, § 7(a) ("The District Court shall have unlimited original jurisdiction of all justiciable matters"); see also *In re S.J.W.*, 2023 OK 49, ¶ 13, 535 P.3d at 1242. "State district courts are presumed to have subject matter jurisdiction." *Id.* The party challenging an Oklahoma district court's subject matter jurisdiction bears the burden of showing that Oklahoma's jurisdiction is preempted under the framework articulated in *Castro-Huerta*.

II.

¶ 5 To resolve the dispute between the parties in this case, the district court would be required to determine the threshold question of who the duly elected leaders of the Tribe are. The parties have not pointed to any congressional act that preempts Oklahoma state court's jurisdiction to adjudicate this question. Thus, we must apply the balancing test adopted in *Castro-Huerta* to determine whether state court adjudication of the tribal leadership question will unlawfully infringe on tribal self-government.

A.

¶ 6 *The tribal interest.* The Tribe's interest in being the sole entity that determines its own leadership is strong because the determination of one's leaders is at the heart of tribal self-government. The Tribe is a federally recognized Indian tribe. *Thlopthlocco Tribal Town v. Stidham*, 762 F.3d 1226, 1230 (10th Cir. 2014). The Tribe

is governed by a Business Committee. Thlopthlocco Const. art. V, § 4. The Business Committee is composed of five officers who are elected by tribal members and an advisory board of tribal members appointed by the officers. *Id.* §§ 1, 3, 4. Only members of the Tribe may vote in elections. *Id.* §§ 1, 5.

¶ 7 The leadership of the Tribe is exclusively governed by tribal law and determined by tribal members. The Tribe's interest in determining its leadership weighs heavily against state jurisdiction in this case.

B.

¶ 8 *The state interest.* The State of Oklahoma has little sovereign interest in determining the leadership of the Tribe. The State of Oklahoma has no control over the Tribe's internal governance, does not approve or disapprove elections to the Business Committee, and has no role in tribal elections. Determining the leadership of the Tribe does not obviously affect the state's exercise of its police powers, and there is no indication that exercising jurisdiction would further a sovereign state interest like protecting public safety. *Contra Castro-Huerta*, 597 U.S. at 651.

¶ 9 If the State of Oklahoma, through its courts, exercised jurisdiction to determine the Tribe's leadership, there is a significant risk of deleterious effects on tribal self-government.

C.

¶ 10 *The federal interest.* The federal government's interest weighs against state court subject matter jurisdiction in this case. Congress "declare[d] its commitment to the maintenance of the Federal Government's unique and continuing relationship

with, and responsibility to, individual Indian tribes and to the Indian people as a whole through the establishment of a meaningful Indian self-determination policy” in the Indian Self-Determination and Education Assistance Act. 25 U.S.C. § 5302(b). Additionally, the Oklahoma Indian Welfare Act recognized the Tribe’s right to adopt a constitution and bylaws. 25 U.S.C. § 5203. The Tribe enacted a tribal constitution that places the determination of tribal leadership in the province of the tribe. In fact, the Bureau of Indian Affairs expressly refused to insert itself in a dispute that would require it to recognize the rightful leadership of the Tribe. Pet’r’s Motion for Leave to File Reply, Dec. 12, 2025, Pet’r’s App., Ex. F, ANDERSON000067. The federal interest is furthered by Oklahoma’s abstention for determining the leadership of the Thlopthlocco Tribal Town.

* * *

¶ 11 The selection and determination governing leaders of the Thlopthlocco Tribal Town by its own members is the core aspect of tribal self-government. If the district court exercised subject matter jurisdiction to decide the threshold question in this case, it would unlawfully infringe on tribal self-government. Thus, the district court’s subject matter jurisdiction is preempted under *Castro-Huerta*. I concur with the majority’s issuance of a writ of prohibition.