

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

RHONDA K. GRAYSON and
JEFFREY D. KENNEDY,

Plaintiffs,

v.

PRINCIPAL CHIEF DAVID W. HILL, in
his official capacity as Principal Chief of
the Muscogee (Creek) Nation;
CITIZENSHIP BOARD OF THE
MUSCOGEE (CREEK) NATION;
ELIZABETH YAHOLA, in her official
capacity as a Member of the Muscogee
(Creek) Nation Citizenship Board;
CLARENCE JOHNSON, in his official
capacity as a Member of the Muscogee
(Creek) Nation Citizenship Board; LEA
ANN NIX, in her official capacity as a
Member of the Muscogee (Creek) Nation
Citizenship Board; CECILIA WITTMAN,
in her official capacity as a Member of the
Muscogee (Creek) Nation Citizenship
Board; and JASON NICHOLS, in his
official capacity as a Member of the
Muscogee (Creek) Nation Citizenship
Board,

Defendants.

Case No. CaseNumber

COMPLAINT

Plaintiffs Rhonda K. Grayson and Jeffrey D. Kennedy bring this action for declaratory and injunctive relief against Defendants Principal Chief David Hill, the Citizenship Board of the Muscogee (Creek) Nation, and the individual Citizenship Board Members, to end Defendants' ongoing violations of a federal treaty in refusing to issue Plaintiffs' citizenship cards as ordered by the Muscogee (Creek) Nation Supreme Court.

INTRODUCTION

1. This action arises out of Defendants’ deliberate, ongoing efforts to defy an order from the Muscogee (Creek) Nation Supreme Court requiring them to grant Plaintiffs Rhonda K. Grayson and Jeffrey D. Kennedy citizenship cards in the Muscogee (Creek) Nation pursuant to a federal treaty.

2. One year ago today, the Muscogee (Creek) Nation Supreme Court held that Plaintiffs are citizens of the Muscogee (Creek) Nation.

3. The Court’s July 23, 2025 Opinion proclaimed that “the Treaty of 1866 requires that Creek Freedmen, and their descendants, shall be granted ‘all the rights and privileges of native citizens.’” *Citizenship Bd. of the Muscogee (Creek) Nation v. Grayson*, Case No. SC-2023-10, slip op. at 21 (Muscogee (Creek) July 23, 2025);¹ see Treaty Between the United States and the Creek Nation of Indians, June 14, 1866, 14 Stat. 786 (“Treaty of 1866”).

4. The Treaty of 1866 “stands as the supreme law of the land under both federal and Mvskoke law.” *Citizenship Bd.*, Case No. SC-2023-10, slip op. at 21.

5. Accordingly, the Muscogee (Creek) Nation Supreme Court ordered the Citizenship Board of the Muscogee (Creek) Nation to “apply the Treaty of 1866 and issue citizenship to” Plaintiffs. *Id.* at 23.

6. As the U.S. Supreme Court recently reiterated in a key decision defining citizenship, citizenship is “the right to have rights—to freely participate in our political

¹ A copy of the opinion is attached as Exhibit A and is also available at <https://creeksupremecourt.com/s/Doc-49-Order-and-Opinion-07232025.pdf>.

community. The Framers . . . extended that promise to every free-born person in this land. . . . We keep that promise today.” *Trump v. Barbara*, 609 U.S. ---, --- S. Ct. ---, 2026 WL 1870543, at *15 (June 30, 2026) (quotation omitted).

7. Since the Muscogee (Creek) Nation Supreme Court’s ruling, Defendants have flouted that court order and erected roadblocks at every turn to deprive Plaintiffs of their fundamental rights of citizenship in violation of the Treaty of 1866. Specifically:

- a. Defendants have refused to issue Plaintiffs’ citizenship cards a year after the Muscogee (Creek) Nation Supreme Court ordered them to do so, forcing Plaintiffs to file three motions for contempt;
- b. Defendants have failed to show any progress toward issuing Plaintiffs their citizenship cards, despite a second court order requiring them to do so;
- c. Chief Hill issued an executive order directing the Citizenship Board not to issue citizenship cards to Muscogee (Creek) Freedmen descendants, in defiance of the Muscogee (Creek) Nation Supreme Court’s court order; and
- d. Defendants’ allies in the legislative branch attempted to stack the Muscogee (Creek) Nation Supreme Court with judges who favored overruling Plaintiffs’ citizenship while the case was pending before it.

8. As a result, Plaintiffs have been denied the rights derived from their citizenship and the fundamental rights that flow therefrom, including not only their rights to citizenship cards but also the attendant right to vote and the ability to participate fully as members of the Nation.

9. This is a purely legal dispute, as no issues of fact remain. *See, e.g., Citizenship Bd.*, Case No. SC-2023-10, slip op. at 18 (“[T]he following facts are clear to the Court: (1) historical writings, legislative actions, and Court opinions in the years immediately following the ratification of the Treaty of 1866 clearly show that the historic Creek Nation believed the Treaty of 1866 *demand*ed citizenship rights be given to the Creek Freedmen, (2) this was the position of the historic Creek Nation for over one hundred years, until the adoption of the 1979 Constitution of the Muscogee (Creek) Nation), and (3) Article II of the Treaty of 1866 clearly extends these citizenship rights to the ‘descendants’ of the Creek Freedmen, and gives no endpoint at which those descendants should be excluded.”).

10. All that remains is for Defendants to issue Plaintiffs their citizenship cards—an act ordered by the Muscogee (Creek) Nation Supreme Court and required by federal treaty and the laws of the Muscogee (Creek) Nation.

11. Plaintiffs bring this action in federal court to compel Defendants to comply with the federal treaty and the binding decision of the Muscogee (Creek) Nation Supreme Court so that Plaintiffs can receive the citizenship status to which they are entitled by federal and tribal law.

PARTIES

12. Plaintiff Rhonda Grayson is a direct lineal descendant of America Cohee-Webster, Dawes Roll #4661, a citizen of the Muscogee (Creek) Nation who was enrolled on the Dawes Roll as a Creek Freedman.

13. Ms. Grayson is a rightful citizen of the Muscogee (Creek) Nation and is entitled to her citizenship card and all rights afforded to other Creek citizens. *See Citizenship Bd.*, Case No. SC-2023-10, slip op. at 23; Treaty of 1866, Art. II; 7 M(C)NCA § 4-109.

14. Ms. Grayson resides in Oklahoma City, Oklahoma.

15. Plaintiff Jeffrey Kennedy is a direct lineal descendant of Ben Grayson, Dawes Roll #5329, a citizen of the Muscogee (Creek) Nation who was enrolled on the Dawes Rolls as a Creek Freedman.

16. Mr. Kennedy is a rightful citizen of the Muscogee (Creek) Nation and is entitled to his citizenship card and all rights afforded to other Creek citizens. *See Citizenship Bd.*, Case No. SC-2023-10, slip op. at 23; Treaty of 1866, Art. II; 7 M(C)NCA § 4-109.

17. Mr. Kennedy resides in Moore, Oklahoma.

18. Defendant David W. Hill is the Principal Chief of the Muscogee (Creek) Nation and is vested with the executive power of the Muscogee (Creek) Nation. Muscogee (Creek) Nation Const., Art V § 1(a). Chief Hill is the official responsible for faithfully executing the Muscogee (Creek) Nation Constitution, upholding the Constitution and laws of the Muscogee (Creek) Nation, and overseeing the daily operations of the tribe. The Principal Chief is charged with signing citizenship cards or stamping his signature on citizenship cards. 7 M(C)NCA § 4-109. Chief Hill is sued in his official capacity as Principal Chief of the Muscogee (Creek) Nation.

19. Chief Hill resides in Bristow, Oklahoma, which is part of the territory of the Muscogee (Creek) Nation.

20. Defendant Citizenship Board of the Muscogee (Creek) Nation is charged with certifying citizenship in the Muscogee (Creek) Nation for all eligible persons. Muscogee (Creek) Nation Const., Art. III § 3.

21. The Citizenship Board maintains offices in Okmulgee and Jenks, Oklahoma.

22. The Citizenship Board provides services and accepts applications for citizenship at the Muscogee Nation Resource Center located in Oklahoma City, Oklahoma.

23. Defendants Elizabeth Yahola, Clarence Johnson, Lea Ann Nix, Cecilia Wittman, and Jason Nichols are the five members of the Citizenship Board, each of whom is charged with the responsibility of the establishment and maintenance of a Citizenship Roll. *Id.*, Art. III § 1. These five Board Members are sued in their official capacities as members of the Citizenship Board.

24. Plaintiffs are informed and believe that Yahola, Johnson, and Wittman reside in Oklahoma.

25. Plaintiffs are informed and believe that Nix resides in Beggs, Oklahoma, which is part of the territory of the Muscogee (Creek) Nation.

26. Plaintiffs are informed and believe that Nichols resides in Milwaukee, Wisconsin.

JURISDICTION AND VENUE

27. This Court has subject matter jurisdiction under 28 U.S.C. § 1331 because this action poses a federal question in that it arises under the Treaty of 1866.

28. This Court also has subject matter jurisdiction because Plaintiffs seek a declaratory judgment under the Declaratory Judgment Act, 28 U.S.C. §§ 2201-02, and Federal Rule of Civil Procedure 57.

29. As discussed in greater detail herein, no Defendant is entitled to sovereign immunity.

30. This Court has personal jurisdiction over all Defendants. Defendants are either domiciled in Oklahoma, maintain offices in Oklahoma, have continuous and systematic contacts with Oklahoma by virtue of their offices, and/or through their official acts and omissions in Oklahoma caused injury in the Oklahoma by denying citizenship to Plaintiffs who are residents of Oklahoma and this district.

31. Venue is proper under 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to this action took part in the Western District of Oklahoma.

HISTORICAL SUMMARY

32. Before the American Civil War, Creek people of African descent lived in the Muscogee (Creek) Nation, both as free and as enslaved persons.

33. Starting in 1832, the United States forcibly removed the Creeks from their traditional southeastern United States homelands and sent them to live in what is now Oklahoma. This forcible removal is commonly referred to as the Trail of Tears. Creek citizens of African descent, both free and enslaved, were part of the individuals who were removed during the forced removal of the Creeks.

34. Prior to the Civil War, an 1860 Census showed 1,651 enslaved Africans and 277 free African Creeks lived on the Creek Reservation in Indian Territory. That same

year, the Creek Council passed new slave laws to secure an alliance with the Confederacy which had promised to protect the Creek Nation's continued enslavement of its Black citizens.

A. Reconstruction and Article II of The Treaty of 1866.

35. In 1865, as the Civil War ended, President Andrew Johnson designated a peace commission to travel to Fort Smith, Arkansas, to convene a council for the purpose of negotiating new treaties with the Creek Nation and the other Five Tribes.²

36. The members of that commission declared that a treaty with the United States “must” contain certain stipulations, including that “[t]he institution of slavery, which has existed among several of the tribes, must be forthwith abolished, and measures taken for the unconditional emancipation of all persons held in bondage, and for their incorporation into the tribes on an equal footing with the original members, or suitably provided for.” Report of D.N. Cooley, *Southern Superintendence* 296, 298 (Oct. 30, 1865).

37. The United States and the Creek Nation entered into the Treaty of 1866 on June 14, 1866.

38. The Treaty of 1866 is the supreme law of the land under federal and Muscogee law.

39. Article II of the Treaty of 1866 provides, with emphasis added:

The Creeks hereby covenant and agree that henceforth neither slavery nor involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted in accordance with laws applicable to all members of said tribe, shall ever exist in said nation; **and inasmuch as**

² The Five Tribes consist of the Cherokee, Chickasaw, Choctaw, Muscogee (Creek), and Seminole Nations.

there are among the Creeks many persons of African descent, who have no interest in the soil, it is stipulated that hereafter these persons lawfully residing in said country, and may return within one year from the ratification of this treaty, and **their descendants and such others of the same race as may be permitted by the laws of the said nation to settle within the limits of the jurisdiction of the Creek Nation as citizens [thereof,] shall have and enjoy all the rights and privileges of native citizens,** including an equal interest in the soil and national funds, and the laws of the said nation shall be equally binding upon and give equal protection to all such persons, and all others, of whatsoever race or color, who may be adopted as citizens or members of said tribe.

40. At the time, citizens and officials of the Creek Nation understood the Treaty of 1866 to grant citizenship to Creeks of African descent and descendants of Creeks of African descent.

41. In 1867, The Creek Nation enacted a Constitution which created three new Creek towns—Arkansas Colored, North Fork Colored, and Canadian Colored—for Creeks of African descent.

42. In 1877, Principal Chief Ward Coachman recognized that, with respect to granting citizenship to Creeks of African descent, the Treaty is “so plain that no one can mistake or misunderstand it.”

43. By 1878, African Creek participation in the Nation’s political affairs included representation on the National Council, Tribal court judicial appointments as judges and attorneys, popular elected positions as Lighthorse law enforcement officers, and awardees of government service contracts.

44. In an 1886 decision, the historic Supreme Court of the Creek Nation recognized that the Treaty of 1866 grants citizenship to, among others, people of African descent “who may have resided and may return to this country within one year from the

certification of the treaty and their descendants.” *Citizenship Bd.*, SC-2023-10, slip op. at 4 n.8 (citing *In re: Roley McIntosh*, 7 Mvs. L.R. 348, 349).

45. Thus, for over one hundred years—between 1866 and 1979—the Muscogee (Creek) Nation adhered to the Treaty of 1866 and recognized Creeks of African descent and their descendants as citizens entitled to equal protection of the law and all rights and benefits as any other Creek citizen.

B. The Dawes Rolls.

46. In 1887, Congress passed the General Allotment Act, also known as the Dawes Act. This Act took land held in trust for Indian tribes and redistributed portions to individual tribal members. *See Information on Freedmen Descendants of the Five Tribes*, U.S. Government Accountability Office, GAO-26-107118 (Jan. 14, 2026).³

47. To prepare for allotment of this land, Congress created the Dawes Commission in 1893. In 1898, Congress passed the Curtis Act, which forced allotment of the communal land of the Five Tribes without tribal consent and directed the Dawes Commission to create lists of the Five Tribes’ citizens.

48. The resulting lists, known as the Dawes Rolls, were prepared between 1898 and 1907 and identified two categories: (1) people having a degree of “Indian blood” and (2) people of African Descent officially called “Freedmen” who were entitled to tribal citizenship under the 1866 Treaties with the Five Tribes. *Id.*

³ Available at <https://www.gao.gov/products/gao-26-107118>.

49. The Dawes Commission used race and physical appearance to segregate Creeks of African Descent, *i.e.* “Creek Freedmen.” The “true” Creeks, in the Dawes Commission’s estimation, were listed on the Creek Roll, also known as the Creek By Blood Roll; the Creek Freedmen (*i.e.* individuals of African descent, regardless of whether they or their ancestors were previously enslaved in the Nation) were listed on the Creek Freedmen Roll.

50. The Dawes Commission employed the hypodescent rule, by which any individual with “one drop” of “Black blood” was to be considered Black and, therefore, belonged on the Freedmen Roll.

51. The Dawes Commission, therefore, enrolled many Creeks of African descent on the Freedmen Roll, regardless of whether they or their ancestors were ever enslaved in the Nation or how much “Creek blood” they actually possessed.⁴

52. Approximately 6,777 individuals are included on the Creek Freedmen Dawes Roll. There are approximately 43,500 to 117,300 lineal descendants of Creek Freedmen living today, according to a 2022 GAO estimate. *Id.*

53. The Dawes Rolls are still considered the base roll for the Muscogee (Creek) Nation, as well as the United States government. *Id.*

⁴ “[I]n cases of mixed freedmen and Indian parents, which was common among the Creeks . . . the applicant was always enrolled as a ‘freedmen’.” Kent Carter, *The Dawes Commission and the Allotment of the Five Civilized Tribes 1893–1914* (1999). Dawes Commission personnel were instructed to look for and/or inquire if a Creek citizen had any African ancestry and to place that individual on the so-called Freedmen roll. *Id.*

THE MUSCOGEE (CREEK) NATION CONSTITUTION AND LAWS

54. On August 20, 1979, the Muscogee (Creek) Nation adopted a new Constitution.

55. The 1979 Constitution was ratified by a vote of 1,896 for and 1,694 against on October 6, 1979. However, only 30 percent of the 9,125 qualified voters actually voted for the new constitution and the Creek Freedmen were denied the right to vote.

56. Then-Principal Chief Claud Cox, a proponent of the new constitution, admitted that one of the express goals of the new constitution was to strip Freedmen and Creek Freedmen descendants of their Muscogee (Creek) Nation citizenship and rights, stating:

When you go back to the old [1867] Constitution, you are licked before you start; because it doesn't talk about Indians, it talks about CITIZENS of the CREEK NATION. When you got down to the Allotment time, there were more that was non-Indians or half-blood or less, who outnumbered the full blood, all of these totaled about 11,000, and there were only 18,000 on the entire Roll; so there was only 9,000 above One-half blood. That's the reason, they lost control; the FULLBLOOD lost control. That's what we're fighting, this blood quantum, trying to get back and let the people control because under the old Constitution, you've lost before you ever started. There were three FREEDMAN bands that would outnumber you today as citizens. So, if we want to keep the INDIAN in control, we've got to take a good look at this thing and get us a Constitution that will keep the Creek Indian in Control.

Muscogee (Creek) Nation National Council Minutes, October 29, 1977, at 31.

57. Article III, Section 1 of the Muscogee (Creek) Nation Constitution provides:

The Principal Chief shall appoint, subject to majority approval of the Muscogee (Creek) National Council, a Citizenship Board comprised of five (5) citizens who shall be charged with the responsibility of the establishment and maintenance of a Citizenship Roll[.]

58. Article III, Section 2 of the Muscogee (Creek) Nation Constitution provides:

Persons eligible for citizenship in the Muscogee (Creek) Nation shall consist of Muscogee (Creek) Indians ~~by blood~~ whose names appear on the final rolls as provided by the Act of April 26, 1906 (34 Stat. 137), and persons who are lineal descendants of those Muscogee (Creek) Indians ~~by blood~~ whose names appear on the final rolls as provided by the act of April 26, 1906 (34 Stat. 137); (except that an enrolled member of another Indian tribe, nation, band, or pueblo shall not be eligible for citizenship in the Muscogee (Creek) Nation.)⁵

59. Article V, Section 1(a) provides: “The Executive power shall be vested in and shall be known as the Office of the Principal Chief of the Muscogee (Creek) Nation.”

60. The judicial power of the Muscogee (Creek) Nation is vested in the Muscogee (Creek) Nation Supreme Court. Muscogee (Creek) Nation Const., Art. VII § 1.

61. The Muscogee (Creek) Nation Constitution, which incorporates the Treaty of 1866, governs citizenship and controls over all conflicting provisions of Title 7 of the Muscogee (Creek) Nation Code. 7 M(C)NCA § 1-102(A).

62. The political jurisdiction of the Muscogee (Creek) Nation and its authority to adopt laws is based upon the Treaty of 1866. Muscogee (Creek) Nation Const., Art. I § 2; 27 M(C)NCA § 1-101(A)(1); *Citizenship Bd.*, Case No. SC-2023-10, slip op. at 15.

63. The courts of the Muscogee (Creek) Nation must apply the Muscogee (Creek) Nation Constitution: “the common law of the Muscogee people as established by customs and usage, and the Treaties and Agreements between the Muscogee (Creek) Nation and the United States.” 27 M(C)NCA § 1-103(A).

⁵ As discussed in greater detail herein, the Muscogee (Creek) Nation Supreme Court found any reference to “by blood” citizenship in the Muscogee (Creek) Nation Constitution unlawful and void *ab initio* as contrary to the Treaty of 1866. *Citizenship Bd.*, Case No. SC-2023-10, slip op. at 23.

64. Written decisions of the Court “shall be final.” Muscogee (Creek) Nation Const., Art. VII § 5.

65. On July 23, 2025, the Muscogee (Creek) Nation Supreme Court held that any reference to “by blood” citizenship in the Muscogee (Creek) Nation Constitution is unlawful and void *ab initio* as contrary to the Treaty of 1866, confirming that citizenship in the Nation does not—and legally cannot—require a connection by blood. *Citizenship Bd.*, Case No. SC-2023-10, slip op. at 23.

66. Specifically, the Court reasoned:

While it is certainly true that the Muscogee (Creek) Nation retains the sovereign right to define its own membership, this Court has clarified . . . that those membership requirements must be **consistent** with any applicable act of the United States Congress . . . **and the terms of any valid treaty made between the Muscogee (Creek) Nation and the United States.** The 1979 Muscogee (Creek) Nation Constitution, in its current form (limiting citizenship only to Muscogee (Creek) Indians *by blood*, and their lineal descendants), stands as a complete barrier to Creek Freedmen citizenship and is wholly inconsistent with Article II of the Treaty of 1866.

Citizenship Bd., Case No. SC-2023-10, slip op. at 21 (emphasis added).

PLAINTIFFS EXHAUST LEGAL REMEDIES TO OBTAIN CITIZENSHIP

A. Plaintiffs Sue the Principal Chief in Federal Court to Obtain Citizenship in the Muscogee (Creek) Nation.

67. On or about July 20, 2018, Plaintiffs filed suit in the United States District Court for the District of Columbia seeking to require the Principal Chief of the Muscogee (Creek) Nation and federal defendants to recognize their citizenship pursuant to the Treaty of 1866.

68. On or about May 6, 2019, the court dismissed the action without prejudice pending the exhaustion of tribal remedies.

69. On June 3, 2019, Plaintiffs requested clarification that the case was dismissed without prejudice with respect to both the federal defendants and then-Principal Chief Floyd to prevent the order from being used to argue against subsequent litigation against the Principal Chief.

70. Chief Floyd agreed that the case was dismissed without prejudice to Plaintiffs' re-filing after exhausting tribal remedies.

71. On June 21, 2019, the court clarified it intended "to dismiss Plaintiffs' case without prejudice as to both federal Defendants and Defendant Floyd. Following Plaintiffs' exhaustion of their claims, the Court finds that the record is likely to be different, providing reason for Plaintiffs to file a new case." Order, *Muscogee Creek Indian Freedmen Band, Inc. v. Bernhardt*, No. 1:18-cv-01705-CKK, ECF No. 34 (D.D.C. June 21, 2019).

72. Therefore, the court "clarifie[d] that Plaintiffs' case is dismissed without prejudice as to both federal Defendants and [Chief] Floyd. After Plaintiffs exhaust their tribal remedies, if necessary, they may bring a new case." *Id.*

B. In Response to the Federal District Court's Order, Plaintiffs Pursue Tribal Remedies and Secure an Order Granting Them Citizenship.

73. Accordingly, in or about June 2019, Ms. Grayson filed an application for citizenship with the Citizenship Board.

74. On or about July 31, 2019, the Citizenship Board denied Ms. Grayson's application for failure to identify a lineal descendant on the Creek by Blood Dawes Roll.

75. On or about August 6, 2019, Ms. Grayson submitted an appeal to the Citizenship Board.

76. On or about November 5, 2019, Ms. Grayson was notified that her appeal was denied.

77. In or about May 2019, Mr. Kennedy filed an application for citizenship with the Citizenship Board.

78. On or about October 14, 2019, the Citizenship Board denied Mr. Kennedy's application for failure to identify a lineal descendant on the Creek by Blood Dawes Roll.

79. On or about December 23, 2019, Mr. Kennedy submitted an appeal to the Citizenship Board.

80. On or about February 20, 2020, Mr. Kennedy was notified that his appeal was denied.

81. On or about March 11, 2020, Plaintiffs filed a lawsuit in the Muscogee (Creek) Nation District Court, alleging that the Citizenship Board violated the Treaty of 1866 in denying their citizenship applications.

82. Following a two-day bench trial on April 4–5, 2023, the district court issued an order on September 27, 2023 concluding that the Citizenship Board's denial of Plaintiffs' citizenship applications was contrary to the law and unsupported by the relevant and substantial evidence.

83. The district court specifically found that each Plaintiff's "voluminous documentation reflected a direct lineage to individuals listed on the Dawes Final Rolls," specifically "individuals listed on the Creek Nation Freedmen Roll[.]" Order and Opinion

on Appeal from Citizenship Board of the Muscogee (Creek) Nation Denial of Creek Freedmen Citizenship Applications, *Grayson v. Citizenship Bd. of the Muscogee (Creek) Nation of Okla.*, Case No. CV-2020-34, at 10-11 (Muscogee (Creek) Dist. Ct. Sept. 27, 2023).

84. The district court further found:

Plaintiffs' expert, Dr. Carla Pratt, testified extensively regarding the nature and application of the Treaty of 1866 and provided an excellent overview of the legal process for treaty abrogation. Her testimony concluded that there has been no abrogation of the Treaty of 1866 whether in part or in full. In other words, the Treaty of 1866 was in full force and effect at the time of the Plaintiffs' applications for citizenship as well as at the time of their administrative appeals. This Court, the U.S. Supreme Court, and the Nation agree . . . [t]here can be no doubt that the Treaty must be followed in *all* regards, including as it relates to the eligibility for citizenship of those whose ancestors are listed on the Creek Freedmen Roll.

Id. at 13.

85. The Citizenship Board appealed the district court's ruling to the Muscogee (Creek) Nation Supreme Court.

C. Chief Hill Tries and Fails to Stack the Tribal Supreme Court During the Citizenship Board's Appeal.

86. During the pendency of the appeal in the Muscogee (Creek) Nation Supreme Court, the Muscogee (Creek) National Council, the Nation's legislative arm, attempted to stack the Court to ensure it would reverse the district court's ruling and deny Plaintiffs citizenship.

87. Justice Leah Harjo-Ware and Justice Amos McNac recused from the case, leaving the five remaining justices to hear the appeal. On June 10, 2024, one month prior to oral argument, the National Council scheduled an emergency session during which it

passed several bills to stack the Muscogee (Creek) Nation Supreme Court. The emergency session was shrouded in secrecy—no notice was given to the Nation’s citizens, and no record of the session is available.

88. Specifically, the National Council amended the judiciary code to require seven justices to hear all appeals and permit the appointment of special justices; repealed a provision requiring agreement of the Chief Justice before appointing a temporary judge; and appointed James Jennings and Samuel Deere as special justices to hear *Citizenship Board v. Grayson*.

89. Mr. Jennings openly opposed Creek Freedmen citizenship when running for a National Council seat in 2023.⁶

90. Chief Hill signed the bills into law the day they were passed.

91. Plaintiffs successfully challenged NCA 24-077 as unconstitutional for violating the separation of powers. The Muscogee (Creek) Nation Supreme Court agreed. *In re Constitutionality of NCA 24-077*, No. SC-2024-05, at 11 (Muscogee (Creek) Apr. 22, 2025) (“This [law] places an inordinate amount of power and influence with the Legislative and Executive branches of government, where the circumstances are ripe for a Special Justice to be selected based entirely on a desired outcome for the specific case.”).⁷

⁶ Meet the Candidate 2023 – James Jennings, Mvskoke Media (Aug. 23, 2023) (“My opinion on the Creek Freedmen case is that, if elected, I will support and defend the Muscogee Creek Nation Constitution, which states that it is by blood[.]”), available at https://youtu.be/WxE7EgmZYlo?list=PLzAYLb8-60fO_KecpaLEaBUkeCxEvRpFp&t=688.

⁷ Available at <https://creeksupremecourt.com/s/Doc-26-Order-and-Opinion-04222025.pdf>.

D. The Muscogee (Creek) Nation Supreme Court Affirms Plaintiffs’ Rights to Citizenship.

92. After protecting its authority to decide Plaintiffs’ case on appeal, the Muscogee (Creek) Nation Supreme Court affirmed the district court’s decision in an order and opinion issued on July 23, 2025. The court recognized that “Mvskoke law demands” following the Treaty of 1866 and granting citizenship to Plaintiffs. *Citizenship Bd.*, SC-2023-10, slip op. at 2.

93. The court found Plaintiffs presented the Citizenship Board with citizenship applications that contained “significant supporting documentation verifying a lineal descendant on the 1906 Creek Freedmen Dawes Roll.” *Id.* at 15.

94. The court held that the Citizenship Board’s decision to deny citizenship to Plaintiffs was contrary to law because the Treaty of 1866 “**stands as the supreme law of the land under both federal and Mvskoke law**” and “requires that Creek Freedmen, and their descendants, shall be granted ‘all the rights and privileges of native citizens[.]’ As such, it was contrary to law for the [Citizenship] Board to deny citizenship to any lineal descendant of the Creek Freedmen Dawes Roll.” *Id.* at 21 (emphasis added).

95. The court also struck reference to citizenship “by blood” in the Muscogee (Creek) Nation Constitution as contrary to the Treaty of 1866. *Id.* at 21-22.

96. The court entered a final order directing the Citizenship Board to apply the Treaty of 1866 and issue citizenship to Plaintiffs. *Id.* at 23.

**DEFENDANTS CONTINUE TO VIOLATE FEDERAL LAW AND DEFY THE
HIGHEST TRIBAL COURT’S RULING DESPITE PLAINTIFFS’ ATTEMPTS
TO ENFORCE IT**

97. Even after the binding final decision of the Muscogee (Creek) Nation Supreme Court, Defendants did not issue citizenship cards to Plaintiffs.

98. On July 23, 2025, Ms. Grayson sent an email, copying Mr. Kennedy, to the Citizenship Board to provide a copy of *Citizenship Board v. Grayson* and inquire about the procedure to process their citizenship applications.

99. On July 24, 2025, Citizenship Board staff confirmed that the Citizenship Board “will be processing the applications previously submitted” and asked Ms. Grayson to confirm that the Citizenship Board is authorized to move forward with the documents provided.

100. On July 24, 2025, Ms. Grayson confirmed authorization to move forward with her application.

101. On August 3, 2025, Ms. Grayson again followed up by email to inquire about the continued delay in light of the Muscogee (Creek) Nation Supreme Court’s order requiring the Citizenship Board to issue citizenship cards to Plaintiffs.

102. On or about August 21, 2025, after the denial of the Citizenship Board’s petition for rehearing, Plaintiffs visited the Citizenship Board in person to retrieve their citizenship cards.

103. On or about August 21, 2025, Citizenship Board staff stated that it would take four to six weeks to process Plaintiffs’ applications.

104. Ms. Grayson has sent several additional follow-up emails to inquire about the status of her citizenship card.

105. To date, the Citizenship Board has not issued Plaintiffs' citizenship cards.

106. On August 27, 2025, Plaintiffs filed a motion for contempt in the Muscogee (Creek) Nation Supreme Court. The Muscogee (Creek) Nation Supreme Court denied the motion because only one week had passed since the denial of rehearing, and the Citizenship Board may take a reasonable amount of time to process the citizenship applications of Plaintiffs and all other similarly situated applicants.

107. However, on that same day, in defiance of the court's decision, Chief Hill issued Executive Order No. 25-05, directing the Citizenship Board not to "issue citizenship cards or any form of membership identification cards to [Muscogee (Creek) Freedmen descendants] until all law and policy have been fully reviewed and amended to meet the qualification requirements under Article II of the Treaty of 1866."

108. Executive Order 25-05 has no end date; it is effective "until further notice."

109. The Executive Order states that the court's opinion in *Citizenship Board v. Grayson* "encroach[ed] on the authority of the other branches," going as far as to suggest the Muscogee (Creek) Nation Supreme Court's decision "ha[s] the potential for creating a constitutional crisis[.]" (emphasis in original).

110. On October 14, 2025, after eight weeks of inaction from the Citizenship Board, Chief Hill, and the Board Members, and in light of Executive Order 25-05, Plaintiffs filed a second motion for contempt, this time against both the Citizenship Board and Chief Hill.

111. On November 13, 2025, the Muscogee (Creek) Nation Supreme Court took the motion under consideration and ordered the Citizenship Board to file monthly status reports with the Court. The first status report was due on December 5, 2025.

112. The Citizenship Board submitted its report on the last day before it was due. It was vague at best: the Citizenship Board largely deferred to Chief Hill, effectively claiming that its hands were tied by both executive action and inaction.

113. In particular, the Citizenship Board stated that they are “unable to act independently to modify the statutory framework of the Citizenship code – that work requires action by the National Council and Principal Chief.”

114. The Citizenship Board’s excuses were immaterial because the Muscogee (Creek) Nation Constitution controls over all contrary provisions of the Citizenship Code (7 M(C)NCA § 1-102(A)), and the Muscogee (Creek) Nation Supreme Court established in *Citizenship Board v. Grayson* that any constitutional requirement of by-blood citizenship was void *ab initio*. Thus, no statutory modifications were necessary to comply with the Court’s decision and issue citizenship cards to Plaintiffs.

115. As to Chief Hill, he made it clear that he had no intention of following the Muscogee (Creek) Nation Supreme Court’s decision or federal law. In his response attached to the Citizenship Board’s status report, Chief Hill objected that he was not a party to the case and refused to provide information, arguing it was protected by the separation of powers.

116. The Citizenship Board did not provide any monthly status reports for the next four months, from January 2026 to April 2026.

117. On March 3, 2026, having waited thirty-one weeks for the Citizenship Board to comply with *Citizenship Board v. Grayson*, Plaintiffs filed a third motion for contempt against the Citizenship Board and Chief Hill.

118. On March 9, 2026, Plaintiffs also filed a motion for a temporary restraining order and preliminary injunction seeking to halt the scheduled May 30, 2026 Special Election and postpone the voter registration deadline until all Creek Freedmen with pending applications could be granted citizenship cards or, alternatively, permit all Creek Freedmen with pending applications to cast provisional ballots.

119. On March 23, 2026, while these motions were pending, the Muscogee (Creek) Nation Supreme Court ordered the Citizenship Board and Chief Hill to submit further status reports. These reports were submitted in April 2026 did not reveal any progress in issuing Plaintiffs' citizenship.

**TRIBAL OFFICIALS INCREASE PRESSURE ON THE MUSCOGEE (CREEK)
NATION SUPREME COURT**

120. In the wake of *Citizenship Board v. Grayson* granting Plaintiffs citizenship, tribal officials grew bolder in their attempts to delegitimize the Muscogee (Creek) Nation Supreme Court. Unhappy with the Court's ruling, the National Council passed a resolution in April 2026 calling for a vote of no confidence in the five justices who decided the case. *See* NCR 26-002.⁸

⁸ Available at <https://www.mvskokemedia.com/national-council-rebukes-high-court-cites-by-blood-ruling-in-no-confidence-vote/>

121. Against the backdrop of public acrimony toward the Court, Justice Kathleen Supernaw announced her retirement effective April 13, 2026, after nearly sixteen years on the bench.

122. Undeterred by the Court's prior special justice ruling, the National Council added a constitutional amendment to the May 30, 2026 Special Election that was virtually identical to the failed special justice law and proposed allowing the Chief to appoint temporary special justices in case of recusals, which must then be approved by the National Council.

123. In yet another attempt to thwart Plaintiffs' efforts to obtain their citizenship cards, on April 20, 2026, Chief Hill issued another Executive Order, No. 26-02, which established the Mvskoke Citizenship Integrity Protection Commission, purportedly based on the anticipated "significant influx of 'thousands' of new Citizens."

124. On May 12, 2026, in light of the increased pressure from Chief Hill and other tribal officials, the Muscogee (Creek) Nation Supreme Court denied all pending motions and closed the case.

125. As dicta, the court issued a warning:

It would be both a disrespect for our Court to reject th[e] history [of the Treaty of 1866], and, perhaps more importantly, a danger to our Nation's sovereignty to expect that certain advantageous terms of the treaty should be enforced, while certain terms that some may feel are disadvantageous should be ignored. It is clear to this Court that, like our ancestors, many among our citizens today are also dismayed at the prospect of this Court's *Order and Opinion*, and would have preferred that the Court had ruled differently The Court's responsibility is . . . to discharge its own duty faithfully when called upon to do so. We lay this *Order and Opinion* at the doorstep of the political branches of government in the hope that they do the same.

DEFENDANTS HAVE VIOLATED PLAINTIFFS' RIGHT TO VOTE

126. As a result of Defendants' ongoing violations of the Treaty of 1866, Plaintiffs have been denied their constitutional right to vote twice since *Citizenship Board v. Grayson* established their citizenship.

127. Article IV, Section 2 of the Muscogee (Creek) Nation Constitution confers the right to vote on citizens: "Every citizen of the Muscogee (Creek) Nation, regardless of religion, creed, or sex, shall be eligible to vote in the tribal elections provided that (a) they are registered voters for elections; (b) they are at least eighteen (18) years of age at the date of election, with the registrant providing sufficient proof of age to the Election Board; and (c) they hold citizenship."

128. Defendants' failure to issue Plaintiffs citizenship cards has barred Plaintiffs from obtaining a tribal enrollment number, which is required to register to vote. *See* 19 M(C)NCA § 4-108.

129. Without citizenship cards, Plaintiffs could not vote in the September 20, 2025 election.

130. Further, Plaintiffs could not vote in the May 30, 2026 Special Election, which included a vote on special justices.

131. Without the votes of Plaintiffs or any other descendants of Creek Freedmen, the amendment on special justices passed by a healthy margin.

132. The ability to vote in tribal elections is a fundamental right and privilege enjoyed by citizens of the Muscogee (Creek) Nation. *See Courtwright v. July*, SC-93-01,

1993 WL 831884, at *5 (Muscogee (Creek) June 28, 1993) (“One guarantee granted to all citizens is the right to elect whom they choose and to pass what laws they want.”).

133. Without their citizenship cards, Plaintiffs cannot register to vote and enjoy the “rights and privileges of native citizens” as guaranteed by the Treaty of 1866.

134. “[T]he right of qualified voters, regardless of their political persuasion, to cast their votes effectively “rank[s] among our most precious freedoms”—of which Defendants have denied Plaintiffs. *Anderson v. Celebrezze*, 460 U.S. 780, 787 (1983) (quoting *Williams v. Rhodes*, 398 U.S. 23, 30-31 (1968)).

PLAINTIFFS HAVE EXHAUSTED TRIBAL REMEDIES

135. The Muscogee (Creek) Nation Supreme Court is the highest court in, and is vested with the judicial power of, the Muscogee (Creek) Nation.

136. The court’s decision and order in *Citizenship Board v. Grayson* is final, conclusive, and binding on Defendants and requires the issuance of citizenship cards to Plaintiffs.

137. Despite Plaintiffs’ efforts, Defendants continue to defy the Muscogee (Creek) Nation Supreme Court’s final decision and order.

138. Defendants continue to deny Plaintiffs citizenship.

139. Plaintiffs may seek enforcement in federal court of both the Muscogee (Creek) Nation Supreme Court’s decision and the Treaty of 1866 because Plaintiffs have exhausted all tribal remedies and federal courts have jurisdiction to adjudicate issues

involving federal treaties. *See Cherokee Nation v. Nash*, 267 F. Supp. 3d 86, 112 (D.D.C. 2017).⁹

DEFENDANTS ARE NOT ENTITLED TO SOVEREIGN IMMUNITY

140. Chief Hill and the Board Members are engaged in an ongoing violation of federal law because they refuse to comply with the Treaty of 1866 by issuing citizenship to Plaintiffs.

141. Chief Hill and the Board Members are sued in their official capacities.

142. Plaintiffs request an order enjoining Chief Hill from implementing or permitting any law or policy that denies the citizenship rights of Plaintiffs or otherwise acting to violate the Treaty of 1866.

143. Plaintiffs request an order requiring the Board Members to issue Plaintiffs citizenship in accordance with the Treaty of 1866 and *Citizenship Board v. Grayson*.

144. Plaintiffs' requested injunctive relief is purely prospective.

⁹ Like the Creek Nation here, the Cherokee Nation had adopted constitutional provisions limiting citizenship in the Cherokee Nation "to the original enrollees of descendants of Cherokees by blood . . . as listed on the Final Rolls of the Dawes Commission." In *Cherokee Nation v. Nash*, the court held that Cherokee Freedmen descendants retain the full citizenship rights guaranteed by the Cherokee Treaty of 1866, confirming that treaty-protected tribal citizenship rights remain enforceable unless Congress clearly abrogates them and may not be eliminated through unilateral changes to tribal law or citizenship requirements. Specifically, Judge Hogan wrote in *Nash*, "The Cherokee Nation can continue to define itself as it sees fit but must do so equally and evenhandedly with respect to native Cherokees and the descendants of Cherokee freedmen Their fates under the Cherokee Nation Constitution rise and fall equally and in tandem. In accordance with Article 9 of the 1866 Treaty, the Cherokee Freedmen have a present right to citizenship in the Cherokee Nation that is coextensive with the rights of native Cherokees." 267 F. Supp. 3d 86, 140 (D.D.C. 2017).

145. Plaintiffs do not seek monetary relief, and any fiscal consequences to the Nation's treasury as a result of Plaintiffs' requested injunctive relief would be the necessary result of compliance with a prospective order.

146. Chief Hill holds the executive power under the Muscogee (Creek) Nation Constitution.

147. The Citizenship Board is an agency organized under the executive branch. 16 M(C)NCA § 1-102(C)(7).

148. The Board Members have authority under the Muscogee (Creek) Nation Constitution to issue Plaintiffs citizenship.

149. Chief Hill and the Board Members do not have sovereign immunity for Plaintiffs' claims against them. *See, e.g., Vann v. U.S. Dep't of Interior*, 701 F.3d 927 (D.C. Cir. 2012) (Kavanaugh, J.).

150. The Citizenship Board is not entitled to sovereign immunity. Plaintiffs are being denied citizenship in the Muscogee (Creek) Nation, and Plaintiffs' resort to tribal courts has proved futile as a practical matter.

151. Alternatively, the Citizenship Board is not entitled to sovereign immunity because this suit arises out of the enforcement of a tribal court judgment against the Citizenship Board for violation of the Treaty of 1866, the violation of which "forfeit[s] to the United States all benefits and advantages enjoyed by [the Creeks] in . . . immunities[.]" Treaty of 1866, Preamble.

COUNT ONE
(Injunctive Relief Against Chief Hill)

152. Plaintiffs reallege and incorporate by reference the preceding allegations.

153. Chief Hill is engaged in an ongoing violation of the Treaty of 1866 by denying Plaintiffs' citizenship in the Muscogee (Creek) Nation.

154. Plaintiffs request an order enjoining Chief Hill from denying Plaintiffs' citizenship; executing, enforcing, implementing, or permitting any law or policy denying Plaintiffs' citizenship rights; withholding his signature from Plaintiffs' citizenship cards; denying Plaintiffs from having and enjoying all the rights and privileges of Muscogee (Creek) Nation citizens; denying Plaintiffs' equal protection of the laws of the Muscogee (Creek) Nation; or otherwise violating the Treaty of 1866.

155. Chief Hill is a tribal officer because he is the Principal Chief of the Muscogee (Creek) Nation.

156. An injunction against Chief Hill will remedy Plaintiffs' injuries because Chief Hill is vested with the executive power of the Muscogee (Creek) Nation, Chief Hill is constitutionally required to faithfully execute the laws of the Muscogee (Creek) Nation, and Chief Hill is charged under Muscogee (Creek) Nation law with, among other things, signing citizenship cards or stamping his signature thereon.

157. Chief Hill is not entitled to sovereign immunity because he is being sued in his official capacity for prospective injunctive relief. *See Ex Parte Young*, 209 U.S. 123, 159 (1908); *Crowe & Dunlevy, P.C. v. Stidham*, 640 F.3d 1140, 1156 (10th Cir. 2011);

Thlopthlocco Tribal Town v. Stidham, 762 F.3d 1226, 1235 (10th Cir. 2014); *Vann*, 701 F.3d at 930.

158. The requested relief is forward-looking and does not require payment from the Tribe's treasury.

159. Plaintiffs have suffered and will continue to suffer irreparable harm absent the injunction.

160. The harms faced by Plaintiffs and set forth above outweigh any harm that would be sustained by Chief Hill if the injunction were granted.

161. The requested injunction will advance the public interest by enforcing the Treaty of 1866.

COUNT TWO
(Injunctive Relief against Board Members)

162. Plaintiffs reallege and incorporate by reference the preceding allegations.

163. By refusing to issue Plaintiffs citizenship, the Board Members are engaged in an ongoing violation of the Treaty of 1866.

164. The Board Members are tribal officers because they are employed by the tribe as members of the Citizenship Board.

165. The Board Members are not entitled to sovereign immunity because they are being sued in their official capacities for prospective, equitable relief. *See Ex Parte Young*, 209 U.S. at 159; *Crowe & Dunlevy*, 640 F.3d at 1156; *Thlopthlocco Tribal Town*, 762 F.3d at 1235.

166. Plaintiffs seek an order compelling the Board Members to issue citizenship cards to Plaintiffs.

167. The requested relief will remedy Plaintiffs' injuries, is forward-looking, and does not require payment from the Tribe's treasury.

168. Plaintiffs have suffered and will continue to suffer irreparable harm absent the injunction.

169. The harms faced by Plaintiffs and set forth above outweigh any harms that would be sustained by the Board Members if the injunction were granted.

170. The requested injunction will advance the public interest by enforcing the Treaty of 1866.

COUNT THREE
(Recognition of the Muscogee (Creek) Nation Supreme Court Judgment)

171. Plaintiffs reallege and incorporate by reference the preceding allegations.

172. The Muscogee (Creek) Nation courts had valid personal jurisdiction over the Citizenship Board and valid subject-matter jurisdiction over the claims and issues in *Citizenship Board v. Grayson*. See 27 M(C)NCA § 1-102 (b).

173. The proceedings in *Citizenship Board v. Grayson* complied with all due process requirements.

174. On July 23, 2025, in *Citizenship Board v. Grayson* before the Muscogee (Creek) Nation Supreme Court, Plaintiffs were granted a final, conclusive, and enforceable judgment against the Citizenship Board.

175. The Citizenship Board has not complied with *Citizenship Board v. Grayson*.

176. The Muscogee (Creek) Nation Supreme Court's final, conclusive, and enforceable decision and order in *Citizenship Board v. Grayson* is entitled to recognition based on full faith and credit and principles of comity.

COUNT FOUR
(Declaratory Judgment)

177. Plaintiffs reallege and incorporate by reference the preceding allegations.

178. Plaintiffs bring this claim for declaratory judgment under 28 U.S.C. §§ 2201-2202 and Federal Rule of Civil Procedure 57.

179. Plaintiffs have been injured by the ongoing denial of their rightful citizenship in the face of the final order of the Muscogee (Creek) Nation Supreme Court because they have been unable to enjoy the rights and privileges that accompany citizenship in the Nation.

180. Defendants' ongoing violations of the Treaty of 1866 and steadfast refusal to comply with *Citizenship Board v. Grayson* have caused injury to Plaintiffs.

181. Plaintiffs' injury is redressable by a declaratory judgment stating the Treaty of 1866 entitles them to citizenship in the Muscogee (Creek) Nation because it would enable Plaintiffs to enjoy the rights and privileges of citizenship in the Nation.

182. A declaratory judgment would settle this underlying controversy by establishing, as a matter of federal law, that Plaintiffs are entitled to citizenship in the Nation, as the Treaty of 1866 has required for 160 years.

183. A declaratory judgment would serve a useful purpose by declaring the citizenship status of Creek Freedmen, like Plaintiffs, under the Treaty of 1866.

184. Plaintiffs have exhausted all available remedies. Plaintiffs exhausted their remedies in tribal court and are seeking to enforce an already existing final judgment. Plaintiffs applied for citizenship, appealed to the Citizenship Board, sought review of their administrative appeal in the district court, and successfully argued to affirm the district court's judgment in the Muscogee (Creek) Nation Supreme Court.

185. A declaratory judgment would not encroach on tribal jurisdiction because it would be consistent with an already existing final judgment of the Muscogee (Creek) Nation Supreme Court.

186. By reason of the foregoing, a ripe and justiciable controversy exists, and Plaintiffs have standing to assert their rights.

WHEREFORE, Plaintiffs respectfully request that the Court:

- a. Permanently enjoin Chief Hill and his successors from denying Plaintiffs' citizenship; executing, enforcing, implementing, or permitting any law or policy denying Plaintiffs' citizenship rights; withholding his signature from Plaintiffs' citizenship cards; denying Plaintiffs from having and enjoying all the rights and privileges of Muscogee (Creek) Nation citizens; denying Plaintiffs' equal protection of the laws of the Muscogee (Creek) Nation; or otherwise violating the Treaty of 1866;
- b. enter a permanent injunction ordering Elizabeth Yahola, Clarence Johnson, Lea Ann Nix, Cecilia Wittman, and Jason Nichols, and their successors, in their official capacities as Board Members of the Citizenship Board of the Muscogee (Creek) Nation, to comply with the Muscogee

(Creek) Nation Supreme Court's final order of July 23, 2025 in *Citizenship Board v. Grayson*, and/or to issue Plaintiffs' citizenship in compliance with the Treaty of 1866;

c. recognize and enforce the Muscogee (Creek) Nation Supreme Court's final order of July 23, 2025 in *Citizenship Board v. Grayson* granting citizenship to Plaintiffs;

d. declare that (i) the Treaty of 1866 grants Plaintiffs the right to equal citizenship within the Muscogee (Creek) Nation; (ii) Plaintiffs are legally indistinguishable from other citizens of the Muscogee (Creek) Nation under the Treaty of 1866; and (iii) as equal citizens, Plaintiffs are entitled to enjoy all civil and proprietary rights arising from citizenship in the Muscogee (Creek) Nation equally and on the same basis as all other citizens of the Muscogee (Creek) Nation, equal access to Muscogee (Creek) Nation scholarship funds and other citizen benefits, the right to participate equally in all other Muscogee (Creek) Nation activities, and equal access to federal funds provided to the Muscogee (Creek) Nation;

e. declare that Plaintiffs are entitled to receive citizenship cards; and

f. provide Plaintiffs such other and further relief as the Court may deem just and proper.

Dated: July 23, 2026

Respectfully submitted,

/s/ Damario Solomon-Simmons

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