

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

ROY WAYNE JACKSON, JR.

Plaintiff,

v.

BLACKFEET ENROLLMENT
OFFICE,

Defendant

Cause No. CV 23-22-GF-BMM

ORDER

On May 15, 2023, Plaintiff Roy Wayne Jackson, Jr. (Jackson) filed a document purporting to be a civil rights complaint. Jackson is a Texas state prisoner proceeding pro se. He is currently serving a life sentence without the possibility of parole with the Texas Department of Criminal Justice.¹

Jackson alleges Defendant violated his Fourteenth Amendment right to equal protection and that he is being denied his privileges and immunities. (*See* Doc. 1 at 3.) Specifically, Jackson asserts he has attempted to contact the Blackfeet

¹ *See* Texas Department of Criminal Justice Website: <https://inmate.tdcj.texas.gov/InmateSearch/viewDetail.action?sid=05984948> (accessed May 23, 2023).

Enrollment Office, but that the Enrollment Office refuses to contact him in return. (*Id.* at 4.) Jackson claims that he is a Blackfeet native and should have been enrolled as such when he was a child. (*Id.*) He states he is intellectually disabled and that someone should have assisted him with his enrollment. Because nobody did so previously, Jackson believes he should now be “grandfathered” into tribal enrollment. (*Id.*)

He asks this Court to enroll him in the Blackfeet Nation and order any and all past monies and benefits due be provided. (*Id.*) He also appears to request that this Court order a guardian ad-litem be appointed to act on his behalf. (*Id.*) Jackson believes the Indian Civil Rights Act provides this Court with jurisdiction over his claims. (*See* Doc. 3.)

Contrary to Jackson’s belief, the Indian Civil Rights Act does not confer jurisdiction in the present case. Section 1301, et seq., of Title 25 of the United States Code is known as the Indian Civil Rights Act (ICRA). In enacting the ICRA, Congress established a set of statutory protections for Indians against their tribal governments, which roughly parallel the constitutional rights identified in the Bill of Rights of the United States Constitution. *See Wasson v. Pyramid Lak Paiute Tribe*, 782 F. Supp. 2d. 1144, 1147 (D. Nev. 2011). The ICRA contains a statutory protection that is similar to the Fourteenth Amendment of the United States Constitution and provides that an Indian tribe, in exercising its powers of

self-government, shall not “deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property with due process of law.” Section 1302(a)(9).

In *Santa Clara Pueblo v. Martinez*, 436 U.S. 49 (1978), however, the U.S. Supreme Court held Congress did not provide for a private cause of action for violations of ICRA against the tribe or its officers, except for one type of claim—habeas corpus challenges to one’s detention. “Indian tribes have long been recognized as possessing the common-law immunity from suit traditionally enjoyed by sovereign powers.” *Santa Clara Pueblo*, 436 U.S. at 58. What this means is that “suits against [Indian tribes] under the [ICRA] are barred by...sovereign immunity from suit.” *Id.* at 59. “Congress, aware of the intrusive effect of federal judicial review upon tribal self-government, intended to create only a limited mechanism for [review under the ICRA], namely, that provided for expressly in § 1303 [the provision of the ICRA providing for habeas relief].” *Id.* at 70. Section 1303 of the ICRA provides: “The privilege of the writ of habeas corpus shall be available to any person, in a court of the United States, to test the legality of his detention by order of an Indian tribe.” 25 U.S.C. § 1303.

In the instant matter, Jackson does not bring a claim for habeas relief under Section 1303 of the ICRA. Jackson instead seeks damages and injunctive relief, not release from custody. Further, he is not currently in the custody of the tribe.

Accordingly, his suit is not authorized and this Court lacks jurisdiction to entertain a claim alleging violations of ICRA. Jackson's petition must be dismissed.

Accordingly, the Court enters the following:

ORDER

1. This matter is dismissed for lack of jurisdiction.
2. The Clerk of Court is directed to close this matter and enter judgment in favor of Defendant pursuant to Rule 58 of the Federal Rules of Civil Procedure.
3. The Clerk of Court is directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith. No reasonable person could suppose an appeal would have merit.

DATED this 24th day of May, 2023.



Brian Morris, Chief District Judge
United States District Court

