

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

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|----------------------------------|---|--------------------|
| The Little Shell Pembina Nation, |) | |
| The Great Chippewa Nation, |) | |
| |) | |
| Plaintiff, |) | Case No. 3:20-mc-8 |
| |) | |
| vs. |) | ORDER |
| |) | |
| United States of America, |) | |
| |) | |
| Defendant. |) | |

Attorney Breanna K. Delorme presented a proposed criminal complaint captioned as above. Together with the complaint, the court received an affidavit of Karyence Ronald Delorme, Principal Chief of the Little Shell Pembina Nation, The Great Chippewa Nation.

The complaint alleges the United States violated (1) the 1863 Old Crossing Treaty, and in so doing violated United States Constitution Article VI; (2) 25 C.F.R. § 11.412 (theft); (3) 25 C.F.R. § 11.415 (fraud); (4) 25 C.F.R. § 11.412 (forgery); (5) 25 C.F.R. § 11.412 (tampering with records); and (6) “United Nations resolution A61/295 via Violations of Article 26, sections 1, 2, and 3.” (Doc. 1, p. 1). In brief summary, the complaint and affidavit assert treaty violations and other wrongdoing resulted in the Little Shell Pembina Nation being deprived of its land, resources, bonds, and goods and also resulted in violation of human rights of people of the Little Shell Pembina Nation.

The court will not sign the proposed complaint. Attorney Delorme does not have authority to request that a criminal complaint be issued. See Leeks v. Timmerman, 454 U.S. 83 (1981); Linda R.S. v. Richard D., 410 U.S. 614 (1973). Additionally, the United

States is immune from suit absent its clear and unequivocal consent. United States v. Mitchell, 445 U.S. 535, 538 (1980).

Attorney Delorme's request for issuance of a criminal complaint is **DENIED**.

IT IS SO ORDERED.

Dated this 11th day of September, 2020.

/s/ Alice R. Senechal

Alice R. Senechal

United States Magistrate Judge