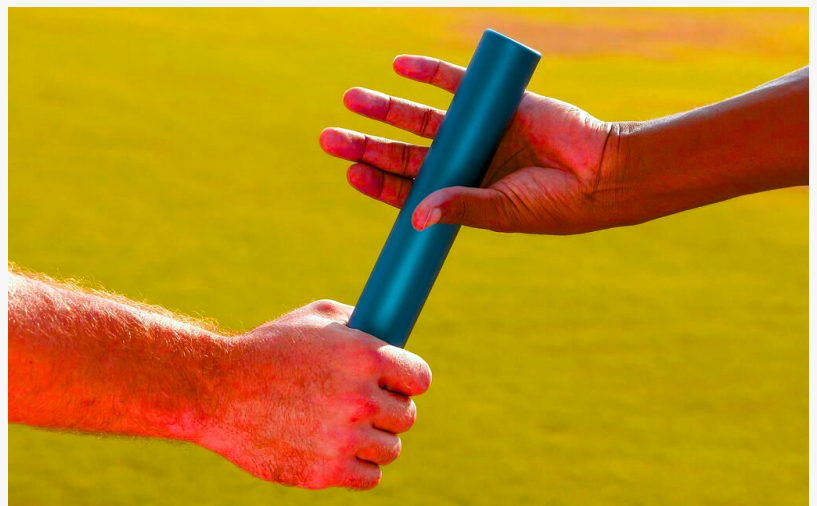


Federal Judge in California Passes Baton to Costanoan-Chualar Tribal Government in Lawsuit Against Non-Indian Offender

Fed judge amends July ruling due to federal law that gives the "Costanoan-Chualar Indian Tribal Government of Indian Canyon" jurisdiction as a sovereign nation

SAN JOSE, CALIFORNIA, USA, August 23, 2022 /EINPresswire.com/ -- Yesterday, the United States District for the Northern District of California amended a [July ruling](#) on the case of Kanyon Sayers-Roods, Power-of-Attorney for Ann-Marie Sayers of the Costanoan Indians of Indian Canyon v. Marlene Rita Machado.



Federal Judge in California Passes the Buck to Costanoan-Chualar Tribal Government in Lawsuit Against Non-Indian Offender

This civil action involved the Tribal Council Chairwoman and President Kanyon Sayers-Roods of the Costanoan Indian Tribal Community of Indian Canyon, and a non-Indian lady, the tribal leader, alleged had trespassed, committing mail fraud, and violated tribal community ordinances on her Indian reservation.

United States District Court Judge Edward J. Davila states in his [amended order](#) to dismiss claims based on lack of federal jurisdiction that Roods's claims against (non-Indian) Machado 'should have been resolved by the "Costanoan-Chualar Indian Tribal Government of Indian Canyon in the first instance." Judge Davila further acknowledges the United States Supreme Court precedent (*Iowa Mut. Ins. Co. v. LaPlante*, 480 U.S. 9, 18) of which upholds that 'Tribal authority over the activities of non Indians on reservations lands in an important part of tribal sovereignty and civil jurisdiction over such activities preemptively lies in the tribal courts unless affirmatively limited by a specific treaty provision or federal statute.'

The court record shows that the Costanoan-Chualar Indians Tribal Council's legal affairs office subpoenaed the San Benito County Custodian of Records and the California Highway Patrol for public records regarding a July incident on Indian Canyon Road involving Machado, state and county law enforcement officers, Costanoan Tribal Court, San Benito County Counsel, and Costanoan-Chualar Tribal Police Department. However, despite these federal subpoenas requiring the production of requested documents or response within the two weeks allowed by law, neither San Benito County nor California Highway Patrol had filed a response to the U.S. District Court.

This July incident among state, county, and tribal officials resulted in Costanoan Tribal Court Chief Justice Cary L. Peterson issuing an [amended order of restraint](#) against Machado and anyone compelling or aiding and abetting her to trespass or burglarize an R.V. camper that was parked on Indian Canyon Road. Additionally, this tribal court order gave notice that any further trespassing on Indian Canyon Road or Indian Canyon Nation would result in a fine of \$5,000 each time and temporary arrest until local U.S. officials arrived to pick up the non-Indian offender.

Court records show that the 'Tribal Government of Indian Canyon' put up 'no trespassing' signs along Indian Canyon Road, and the non-Indian offender and her accomplices have racked up over \$130,000 in trespassing fines since the amended restraint order issued by Chief Justice Peterson on July 29.

San Benito County and the California Highway Patrol were contacted before this news publication but did not respond to the news investigator's inquiries for comments.

Supporting Media Sources:

Federal Judge in California ruled on Costanoan Indians Lawsuit Against Non-Indian Trespasser (July 11, 2022)

<https://www.todayinlaw.com/article/580749930-federal-judge-in-california-ruled-on-costanoan-indians-lawsuit-against-non-indian-trespasser>

Court Order - Edward J. Davila, U.S.D.J. (Sayers-Roods, et al. v. Machado, Case No. 22-cv-03092-EJD, Doc. No. 52, Aug. 22, 2022) (<https://bit.ly/3pGd4wF>)

Notice of Amended Tribal Court Order - Cary L. Peterson, C.J. (Sayers-Roods, et al. v. Machado, Case No. 22-cv-03092-EJD, Doc. No. 44, Jul. 29, 2022) (<https://bit.ly/3CoamU7>)

Notice of Amended Tribal Court Order - Cary L. Peterson, C.J. (Sayers-Roods, et al. v. Machado,

Case No. 22-cv-03092-EJD, Doc. No. 40, Jul. 13, 2022) (<https://bit.ly/3AJ70dp>)

Court Order - Edward J. Davila, U.S.D.J. (Sayers-Roods, et al. v. Machado, Case No. 22-cv-03092-EJD, Doc. No. 38, Jul. 8, 2022) (<https://bit.ly/3uEvNvL>)

Federal Subpoena - San Benito County Counsel Barbara Thompson (Sayers-Roods, et al. v. Machado, Case No. 22-cv-03092-EJD, Doc. No. 45, Aug. 4, 2022) (<https://bit.ly/3pG8bE8>)

Federal Subpoena - California Highway Patrol (Sayers-Roods, et al. v. Machado, Case No. 22-cv-03092-EJD, Doc. No. 49, Aug. 5, 2022) (<https://bit.ly/3AHfEJa>)

Tribal Council Letter to BIA Director, July 8, 2022 (<https://bit.ly/3ls4Qlt>)

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