



United States Department of the Interior

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May 8, 2024

Ponca District Court
206 Starting Point Drive
Ponca City, Oklahoma 74601

RE: Ponca Tribe of Oklahoma v. Ponca Tribe of Oklahoma Election Board, CIV-2023-023.

Honorable District Court of the Ponca Tribe of Oklahoma:

This is in response to the Ponca Tribe's Emergency Motion for Joinder of BIA and Temporary Restraining Order/Preliminary Injunction. It is well-settled that tribal courts lack jurisdiction over federal officials who are carrying out their federal responsibilities, the lack of jurisdiction applies even if the federal officials act erroneously, and exhaustion of tribal court remedies in such situations is not required. United States v. Yakima Tribal Court, 794 F.2d 1402 (9th Cir. 1986). There can be no dispute that the relevant Bureau of Indian Affairs officials who are involved in the subject situation are carrying out their federal responsibilities.

Accordingly, please be advised that neither the Bureau of Indian Affairs or its officials, nor any other federal entity representing the Bureau of Indian Affairs or its officials, will file a response to the above-referenced Emergency Motion, or enter an appearance, in this case. If you have any questions, please feel free to call the undersigned at your convenience at (918) 669-7902.

Very truly yours,

Conor P. Cleary
Field Solicitor

By: Charles R. Babst, Jr.
Senior Attorney