

1 John Oliveira
2 Plaintiff Pro Se
3 15442 N. 57th Street
4 Scottsdale, Arizona 85254
5 Phone: (602) 320-3574
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7 Plaintiff Pro Se

FILED
OCT 28 2016
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____ DEPUTY CLERK

11
12 **IN THE UNITED STATES DISTRICT COURT**
13 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

14 John Oliveira, an individual
15
16 Plaintiff,

17 vs.

18 County of Madera, a political subdivision of the
19 State of California; Madera County District
20 Attorney's Office, David Linn as District
21 Attorney; Madera County District's Attorney's
22 Office, Michael Kietz as former District
23 Attorney; Madera County District Attorney's
24 Office, Nicolas Fogg as former Deputy District
25 Attorney; Madera County Sheriff's Department,
26 John Anderson as former Sheriff; Madera County
27 Sheriff's Department, Robert Blehm, as its
28 Detective; and John and Jane Does I through X et
al,

Defendants.

Case No. 1:16 CV 01626 DAD SKO

**COMPLAINT FOR SECTION 1983
CIVIL RIGHTS VIOLATIONS AND
OTHER RELIEF**

DEMAND FOR JURY TRIAL

1 Plaintiff Pro Se, John Oliveira, alleges the following claims for: (1) violation of 42
2 U.S.C. § 1983 (Fourth Amendment/Due Process/Malicious Prosecution); (2) violation of 42
3 U.S.C. § 1983 (Arrest Without Probable Cause); (3) 42 U.S.C. § 1983 (False Arrest); (4)
4 violation of rights to privacy/unlawful disclosure; (5) CA Tort Claims Act–Govt Code §810-
5 996.6 Negligent Infliction of Emotions Distress; (6) CA Tort Claims Act–Govt Code §810-
6 996.6 Intentional Infliction of Emotional Distress; (7) CA Tort Claims Act-Govt Code §810-
7 996.6 - Intentional Interference with Prospective Economic Relations; (8) CA Tort Claims Act
8 -Govt Code §810-996.6 -Negligent Interference with Economic Relations; (9) failure to
9 properly train; and (10) violation of Eighth Amendment (Excessive Bail).

10 **PARTIES, JURISDICTION, AND VENUE**

11
12 1. Plaintiff, John Oliveira, is an individual residing at 15442 N. 57th Street in
13 Scottsdale, Arizona.

14 2. Defendant, Madera County, is a political subdivision of the State of California
15 and is named as result of the actions of its employees and agents named herein all of whom are
16 alleged to have acted in their official capacities.

17 3. Defendant, David Linn, serves as the current District Attorney for the County of
18 Madera, and is named in that capacity herein.

19 4. Defendant, Michael Kietz, served as the former District Attorney for the County
20 of Madera at all relevant times in this action and is named in that capacity herein.

21 5. Defendant, John Anderson, served as the former Sheriff for the County of
22 Madera at all relevant times in this action and is named in that capacity herein.

23 6. Defendant, Nicolas Fogg, served as a Deputy District Attorney for the County of
24 Madera at all relevant times in this action and is named in that capacity herein.

25 7. Defendant, Robert Blehm, serves as a Detective for the Madera County Sheriff's
26 Department (MCSD) at all relevant times in this action and is named in that capacity herein.

27 8. Upon information and belief, all above-named Defendants, were acting within
28 their official capacity and within the course and scope of their authority and employment at all

1 relevant times herein (collectively the “Defendants”). If it turns out through discovery that
2 these employee/defendants were not acting within their official capacities and/or not within the
3 course and scope of their employment, Plaintiff will seek to amend or conform this complaint
4 to the evidence.

5 9. John and Jane Does are named as fictitious defendants the identities of which
6 are not known at this time and may be substituted by name at a later date.

7 10. This Court has jurisdiction over this action pursuant to Title 28 U.S.C. §§1331
8 and 1343(3) in that the controversy arises under the United States Constitution and under 42
9 U.S.C. §1983 and 28 U.S.C. §§2201 and 2202. Plaintiff further invokes the supplemental
10 jurisdiction of this Court under 28 U.S.C. §1367(a) to hear and adjudicate state law claims.
11 Each and all of the acts (or threats of acts) alleged herein were done by defendants, or their
12 officers, agents, and employees, under color of and pretense of state or local law, statutes,
13 ordinances, regulations, and customs and usages of the County of Madera.

14 11. Venue is proper in this district pursuant to 28 U.S.C. §§1391(b), (f).

15 **GENERAL ALLEGATIONS**

16 12. Plaintiff incorporates by reference each and every allegation contained in the
17 above paragraphs of this Complaint.

18 13. Indian tribes, have an inherent sovereign right to exercise criminal jurisdiction
19 over its members and territory. The U.S. Constitution grants exclusive authority over all affairs
20 of Indians in Indian Country to the federal government. This exclusive power supplants any
21 authority by the states in the exercise of criminal or civil jurisdiction over Indians in Indian
22 Country absent congressional authorization.

23 14. In 1953, Congress enacted Public Law 83-280 (PL 280) to address the rising
24 reports of lawlessness in Indian Country. PL 280 would confer jurisdiction on certain states, to
25 include the State of California, over most or all of Indian country within their borders and
26 suspended enforcement of the Major Crimes Act, 18 U.S.C. § 1153, and the General Crimes
27 Act (or Inter-racial Crimes Act), 18 U.S.C. § 1152, in those areas.

28

1 15. Congress never intended to supplant tribal governments of their authority. As a
2 result, the federal government and the federal courts have agreed time and again that tribes
3 retain concurrent jurisdiction to enforce laws in Indian Country.

4 16. The U.S. Supreme Court has maintained amongst tribes' inherent powers is the
5 authority "to exercise criminal jurisdiction over all Indians," 25 U.S.C. § 1301(2), and the
6 power to arrest and detain non-Indians and deliver them to state authorities for prosecution
7 under state laws.

8 17. Such authority is inherent and does not require any "certification" by the federal
9 government or the need for cross-deputation as federal officers through the Bureau of Indian
10 Affairs or any other federal agency.

11 18. In the absence of federal or state authority tribal police have commonly utilized
12 citizen arrest powers pursuant to California State law to effect arrests of non-Indians as an
13 added measure of authority.

14 19. Plaintiff Oliveira is of Native American decent and is an enrolled member of the
15 Choctaw Nation of Oklahoma.

16 20. From approximately June 1, 2000 through July 15, 2006, Plaintiff was an
17 employee of the United States government, Bureau of Indian Affairs ("BIA"), Office of Justice
18 Services ("OJS").

19 21. During such time period, Mr. Oliveira held various positions including Special
20 Agent from approximately June 2000 to June 2002, Supervisory Special Agent from
21 approximately June 2002 to August 2004, Acting Assistant Special Agent in Charge from
22 approximately August 2004 to December 2005, and Assistant Special Agent in Charge from
23 approximately January 2006 to June 2006.

24 22. Between 2000 and 2006, Plaintiff also held several supervisory positions within
25 the BIA including the National Child Abuse Coordinator (2004-2006), Special Response Team
26 (SRT) Commander (2002-2004) and Assistant Special Agent in Charge (2004-2006).

27 23. During his tenure at the BIA, Plaintiff has received numerous awards and
28 commendations including a Meritorious Commendation from the Secretary of Interior for his

1 actions during the attacks of September 11, 2001, commendation for actions in Mississippi
2 during Hurricane Katrina, a Victim Service Award from the U.S. Attorney in Arizona, was a
3 finalist for the Service to America Justice Medal, U.S. Senatorial Recognition for his work with
4 child maltreatment investigations, ICIN Leadership Award, and numerous Commander's
5 Awards, among other awards of appreciation.

6 24. On or about July 15, 2006, Plaintiff Oliveira voluntarily resigned from the BIA-
7 OJS so that he could pursue another opportunity as a private contractor in Iraq in support of the
8 U.S. mission against terrorism.

9 25. After returning from spending approximately five years in the Middle East
10 doing private contract work for the U.S. government, on or about September 9, 2014, Plaintiff
11 accepted a position as (and was appointed) Chief of Police for the Chukchansi Tribal Police
12 Department of the Picayune Rancheria of Chukchansi Indians ("Tribal Police") in Coarsegold,
13 California.

14 26. Pursuant to Tribal Resolution 2014-107 of the Picayune Rancheria of
15 Chukchansi Indians, the Tribal Council authorized Plaintiff as Chief of Police to enforce any
16 and all substantive laws contained within the Law & Order Code of the Picayune Rancheria, on
17 any and all lands owned by the Picayune Rancheria of Chukchansi Indians, whether in fee or
18 trust status, including all allotted lands – to protect the "general" welfare" and "political
19 integrity" of the Tribe. **See Exhibit 1** (which attaches a true and correct copy of Tribal
20 Resolution 2014-107).

21 27. During the course of his employment as Chief of Tribal Police, Plaintiff was
22 asked to investigate certain events at the Chukchansi Gold Resort and Casino. More
23 specifically, the tribal council requested the Tribal Police to search for an audit required by the
24 National Indian Gaming Commission ("NIGC") for compliance with the Indian Gaming
25 Regulatory Act.

26 28. The need to secure the audit was urgent as the NIGC had issued a Temporary
27 Closure Order for the casino if the audit was not received by October 27, 2014.
28

1 29. A hostile faction of the tribe who had previously taken over the casino by force
2 occupied the offices of the Tribal Gaming Commission (“TGC”) was withholding the audit.

3 30. Pursuant to Tribal Resolution 2014-79 of the Picayune Rancheria of Chukchansi
4 Indians, the Tribal Council excluded Leonard Rosson and all employees of Security Training
5 Concepts from all Picayune Rancheria lands, including Chukchansi Gold Resort Casino. See
6 **Exhibit 2** (which attaches a true and correct copy of Tribal Resolution 2014-79).

7 31. On or about October 3, 2014, Plaintiff requested and held a meeting with
8 Defendant District Attorney Michael Kietz at the Madera County District Attorney’s Offices in
9 Madera, California.

10 32. At that meeting, Plaintiff gave advance notice of the Tribal Police department’s
11 intention to enter the Tribal Gaming Commission (TGC) offices at Chukchansi Gold Resort
12 and Casino and to obtain a copy of the audit. During that meeting, the Plaintiff revealed the
13 plan of operation and provided Defendant DA Michael Kietz with a copy of Tribal Resolutions
14 2014-79 and 2014-107 and other documents supporting the operation.

15 33. Also, during the meeting, Plaintiff advised Defendant DA Michael Kietz of the
16 possibility that members of the private security company, Security Training Concepts (STC),
17 may be detained or arrested due to their history of violence. Defendant Kietz questioned
18 whether the Tribal Police would have authority to arrest or have jurisdiction over non-Indian
19 agents of STC.

20 34. After the meeting but prior to October 9, 2014, Plaintiff provided Defendant DA
21 Kietz via email on October 5, 2014, with legal authority recognizing the inherent authority of
22 Tribal Police to detain and arrest non-Indians, more specifically, the arrest and detention of
23 non-Indians in a Public Law 280 state such as California.

24 35. On or about October 9, 2014, Plaintiff as Chief of Tribal Police and nine other
25 lawfully sworn police officers of the Tribal Police went into the Chukchansi Gold Resort and
26 Casino to obtain a copy of the audit and were confronted by armed private security guards
27 employed by the hostile faction and by a company known as, Security Training Concepts
28 (“STC”).

1 36. Shortly after arrival, the Tribal Police gathered and detained several of the STC
2 security guards for release to the Madera County Sheriff's Department upon the MCSD's
3 arrival at Chukchansi Gold Resort and Casino.

4 37. The Madera County Sheriff's Department was requested (through Tribal
5 Resolution 2014-79), another copy of which was again provided on the scene to Madera
6 County, Defendant Sheriff John Anderson. Prior to that time, the same request to arrest the
7 STC security guards was made verbally by the tribal attorney and tribal council members on at
8 least six separate occasions.

9 38. On October 9, 2014, when Defendant Sheriff John Anderson appeared at the
10 scene, he made no attempt to discount the authority of the Tribal Police nor did he make any
11 attempt to obstruct the Plaintiff/Tribal Police from carrying out his duties. In fact, Defendant
12 Sheriff Anderson took the custody of the STC security guards for the hostile faction from the
13 Tribal Police and removed them from inside the casino.

14 39. Unbeknownst to the Plaintiff, Defendant Sheriff Anderson promptly released the
15 hostile STC security guards on the scene (outside the casino), which resulted in the same STC
16 security guards returning inside the casino and assaulting several Tribal Police officers within
17 five minutes of their release.

18 40. In the following days, the Madera County Sheriff's Department ("MCSD")
19 along with District Attorney's Office (Kietz) initiated an investigation into whether the Plaintiff
20 and the nine sworn Tribal Police officers violated California state law in the performance of
21 their duties.

22 41. On October 31, 2014, the Madera County District Attorney, Michael Kietz, filed
23 a criminal complaint against Plaintiff (and nine other Tribal Police officers) alleging 27 felony
24 counts to include kidnapping, false imprisonment, assault with a firearm, and illegal use of a
25 stun gun.

26 42. To the extent required by law, Plaintiff has exhausted any applicable
27 administrative remedies for the claims asserted herein.
28

1 **COUNT I**
2 **(42 U.S.C. § 1983 Violations of 4th Amendment/Due Process -Malicious Prosecution)**

3 43. Plaintiff incorporates by reference each and every factual allegation contained in
4 the above paragraphs of this Complaint.

5 44. Based upon the information in his possession, Defendant DA Michael Kietz
6 lacked probable cause to file criminal charges against Plaintiff.

7 45. Both Defendants Madera County Sheriff's Office and District Attorneys' Office
8 (Kietz) were aware of the Tribal Resolutions 2014-107 and 2014-79 and given advance notice
9 of the Tribal Police's intent to remove STC personnel from the casino and Tribal lands and to
10 obtain the audit needed to keep the Chukchansi Gold Resort and Casino open for business.

11 46. Nonetheless, Defendant Madera County and specifically through Defendant
12 District Attorney Kietz filed a criminal complaint on October 31, 2014.

13 47. The criminal complaint was filed only days prior to the local election in which
14 Defendant Kietz was running for re-election as Madera County District Attorney.

15 48. Upon information and belief, Defendant Kietz filed the criminal complaint
16 against Plaintiff, in part, in an attempt to increase his support from constituents.

17 49. This suspicion was confirmed by Defendant David Linn (current District
18 Attorney) who was quoted in the local newspaper as calling the criminal complaint filed by
19 Defendant Kietz, as a political decision and not one in the interest of justice.

20 50. Within the MCSD's one hundred forty-one (141) page crime report, Plaintiff is
21 listed on ONLY TWO occasions, both of which describe the Plaintiff (Oliveira) as doing
22 nothing more than carrying a clipboard. No specific wrong doing was alleged.

23 51. An arrest warrant was issued for Plaintiff on or about October 31, 2014.

24 52. On or about November 9, 2014, Plaintiff turned himself into authorities and was
25 placed in the Madera County jail until he posted bail.

26 53. Bail was set by a Madera County judge at the highly unusual and clearly
27 excessive amount of \$1,400,000.00.

28

1 54. Plaintiff suffered a loss of over \$100,000 required by a bonding company in
2 order to post bail and be released from jail.

3 55. On or about November 19, 2015, all charges listed in the criminal complaint
4 were dismissed in favor of the Plaintiff.

5 56. As a result of an improper and flawed investigation and politically motivated
6 ambitions of Madera County District Attorneys' Office, the filing of the charges by Madera
7 County and specifically by Defendant Kietz lacked probable cause and due process.

8 57. As a result of these actions, Plaintiff's constitutional rights were violated.

9 58. Plaintiff has suffered substantial damages as a result including but not limited to
10 being required to post bail, among other things.

11
12 **COUNT II**
(42 U.S.C. § 1983 (Arrest Without Probable Cause))

13 59. Plaintiff incorporates by reference each and every allegation contained in the
14 above paragraphs of this Complaint.

15 60. On October 31, 2014, the Defendant Madera County District Attorney Kietz
16 filed a criminal complaint against the Plaintiff for 27 felony counts of kidnapping, false
17 imprisonment, assault with a firearm, and illegal use of a stun gun, among other things.

18 61. The Madera County District Attorney's Office had absolutely no basis for the
19 charges brought against Plaintiff.

20 62. The Madera County District Attorney's Office was unable to establish probable
21 cause in any of the charges alleged against the Plaintiff.

22 63. Plaintiff's constitutional rights were violated as a result and substantial damages
23 suffered.

24
25 **COUNT III**
(42 U.S.C. § 1983 (False Arrest))

26 64. Plaintiff incorporates by reference each and every factual allegation contained in
27 the above paragraphs of this Complaint.
28

1 **COUNT V**
2 **(CA Tort Claims Act –Govt Code . §810-996.6 –Negligent Infliction Emotional Distress)**

3 75. Plaintiff incorporates by reference each and every factual allegation contained in
4 the above paragraphs of this Complaint.

5 76. Defendants' actions were negligent.

6 77. Plaintiff suffered serious emotional distress.

7 78. Defendants' negligence was a substantial factor in causing Plaintiff's serious
8 emotional distress.

9 79. Plaintiff has suffered damages as result a result of Defendants' conduct in an
10 amount to be proven at trial in accordance with the evidence.

11 80. Defendants have waived any defense of sovereign immunity as provided by the
12 California Tort Act, et seq.

13 **COUNT VI**
14 **(CA Tort Claims Act – Govt Code . §810-996.6 -Intentional Infliction Emotional Distress)**

15 81. Plaintiff incorporates by reference each and every factual allegation contained in
16 the above paragraphs of this Complaint.

17 82. Defendants' actions were outrageous.

18 83. Defendants intended to cause or acted with reckless disregard of the probability
19 that Plaintiff would suffer emotional distress.

20 84. Plaintiff suffered serious emotional distress.

21 85. Plaintiff has suffered damages as result a result of Defendants' conduct in an
22 amount to be proven at trial in accordance with the evidence.

23 86. Defendants have waived any defense of sovereign immunity as provided by the
24 California Tort Claims Act, et seq.

1 **COUNT VII**
2 **(CA Tort Claims Act-Govt Code §810-996.6 -Negligent Interference w/ Prospective**
3 **Economic Relations)**

4 87. Plaintiff incorporates by reference each and every factual allegation contained in
5 the above paragraphs of this Complaint.

6 88. Plaintiff and the Picayune Rancheria of Chukchansi Indians were in an
7 economic relationship that would have resulted in a future economic benefit to Plaintiff.

8 89. Defendants knew or should have known of this relationship.

9 90. Defendants knew or should have known that this relationship would be
10 disrupted if they failed to act with reasonable care.

11 91. Defendants failed to act with reasonable care.

12 92. Defendants engaged in wrongful conduct as described herein

13 93. Plaintiff's relationship with the Picayune Rancheria of Chukchansi Indians was
14 disrupted.

15 94. Plaintiff was harmed as a result of Defendants' wrongful conduct.

16 95. Defendants' wrongful conduct was a substantial factor in causing Plaintiff's
17 harm.

18 96. Defendants have waived any defense of sovereign immunity as provided by the
19 California Tort Claims Act, et seq.

20 **COUNT VIII**
21 **(CA Tort Claims Act - CA Govt Code . §810-996.6 - Intentional Interference w/**
22 **Prospective Economic Relations)**

23 97. Plaintiff incorporates by reference each and every factual allegation contained in
24 the above paragraphs of this Complaint.

25 98. Plaintiff and the Picayune Rancheria of Chukchansi Indians were in an
26 economic relationship that probably would have resulted in a future economic benefit to
27 Plaintiff.

28 99. Defendants was aware of this relationship.

1 100. Defendants intended to disrupt the relationship.

2 101. Defendants engaged in wrongful conduct as described herein

3 102. Plaintiff's relationship with the Picayune Rancheria of Chukchansi Indians was
4 disrupted.

5 103. Plaintiff was harmed as a result of Defendants' wrongful conduct.

6 104. Defendants' wrongful conduct was a substantial factor in causing Plaintiff's
7 harm.

8 105. Defendants have waived any defense of sovereign immunity as provided by the
9 California Tort Act, et seq.

10 **COUNT IX**
11 **(Failure to Properly Train)**

12 106. Plaintiff incorporates by reference each and every factual allegation contained in
13 the above paragraphs of this Complaint.

14 107. Defendants have concurrent criminal jurisdiction with the Picayune Rancheria
15 of Chukchansi Indians located in Madera County, California.

16 108. Defendants failed to properly train sheriff's department and district attorney
17 personnel in Public Law 280 resulting in negligent and criminal behavior.

18 109. Defendant had a duty to train all personnel working within the boundaries of the
19 Picayune Rancheria.

20 **COUNT X**
21 **(Violation of Eighth Amendment (Excessive Bail))**

22 110. Plaintiff incorporates by reference each and every factual allegation contained in
23 the above paragraphs of this Complaint.

24 111. During the initial appearance the Plaintiff's bail was raised from \$1,200,000 to
25 \$1,400,000 through the recommendation of Deputy District Attorney Nicolas Fogg despite the
26 Plaintiff's lack of involvement in the false allegations and the Plaintiff's law abiding and
27 honorable background as a former law enforcement officer and U.S. Army veteran.
28

PRAYER for RELIEF

WHEREFORE, Plaintiff respectfully requests judgment as follows:

- A. An award against Defendants for compensatory damages in the amount established by the evidence, and as warranted by the egregious nature of Defendants' conduct as described in this Complaint;
- B. For injunctive relief requiring the Madera County Sheriff's Department to remove any record of Plaintiff's arrest and charges from its own system of record keeping and from any database used by the Department of Justice;
- C. An award against Defendants of costs and disbursements for this action as provided under applicable law;
- D. For any and all pre-judgment and post-judgment interest at the rate applicable under the law; and
- E. For any and all other relief that may be just and warranted under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury pursuant to Fed. R. Civ. P. 38(b) on all issues so triable.

Dated this 27th day of October 2016.

PLAINTIFF PRO SE

By: 

John Oliveira
15442 N. 57th Street
Scottsdale, Arizona 85254
(602)320-3574

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CERTIFICATE OF SERVICE

I hereby certify that on October 27, 2016, I mailed via Federal Express the original and one copy of foregoing Complaint and corresponding Summonses to the U.S. District Court for the Eastern District of California, Attention Clerk's Office, at 2500 Tulare Street, Fresno, California 93721.



John Oliveira
Plaintiff Pro Se

EXHIBIT 1



Picayune Rancheria
of the

CHUKCHANSI INDIANS

46575 Road 417 • Coarsegold, CA 93614 • (559) 683-6633 • FAX (559) 683-0599

RESOLUTION 2014-107 OF THE PICAYUNE RANCHERIA OF CHUKCHANSI INDIANS

Appointing John Oliveria as Chief of Police of the Picayune Rancheria Law Enforcement Department

WHEREAS, the Picayune Rancheria of Chukchansi Indians (the "Tribe") is a sovereign federally recognized Indian tribe organized under the Constitution of the Tribe adopted on October 22, 1988; and

WHEREAS, the Tribal Council of the Picayune Rancheria of Chukchansi Indians (the "Tribal Council") is the Governing Body of the Tribe pursuant to Article IV, Section 2 of the Constitution; and

WHEREAS, the Tribal Council is authorized by the Constitution, Article V (c) to safeguard the peace, safety, morals and general welfare of the Tribe; and

WHEREAS, the Tribal Council is authorized by the Constitution, Article V (u) to provide for the protection and preservation of tribal property..."; and

WHEREAS, the Tribal Council is authorized by the Constitution, Article V (b) "to promulgate and enforce ordinances governing the conduct of members of the Tribe, and non-members within the Tribe's jurisdiction"; and

WHEREAS, the Tribal Council needs to promulgate and approve laws in which the Picayune Rancheria's Law Enforcement may enforce the Picayune Rancheria's *Law & Order Code*, to protect the "general welfare" and "political integrity" of the Rancheria and its membership; and

WHEREAS, the Picayune Rancheria of Chukchansi Indians does hereby recognize its sovereign authority to oversee and regulate the activities of its membership, as well as, any and all activities taking place on lands belonging to the Rancheria whether in fee or trust status.

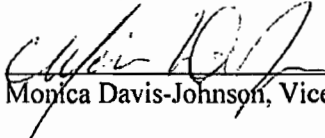
NOW, THEREFORE, BE IT RESOLVED, that the Tribal Council of the Picayune Rancheria of Chukchansi Indians, hereby appoints and deputizes John Oliveria as the Chief of Police of the Picayune Rancheria of Chukchansi Indians Law Enforcement Department; and

THEREFORE BE IT FURTHER RESOLVED, that the Tribal Council authorizes the Chief of Police, John Oliveria to enforce any and all substantive laws contained within the Law & Order Code of the Picayune Rancheria, on any and all lands owned by the Picayune Rancheria of Chukchansi Indians, whether in fee or trust status, including all allotted lands – to protect the “general welfare” and “political integrity” of the Tribe; and

BE IT FINALLY RESOLVED, that based upon the Tribe’s inherent sovereignty and jurisdiction over its lands and members, the State of California law enforcement agencies are hereby notified that the Picayune Rancheria Law Enforcement officers and agents should not hinder or deter in any manner PRCI Law Enforcement in carrying out the substantive intent of this Resolution and laws of the Tribe.

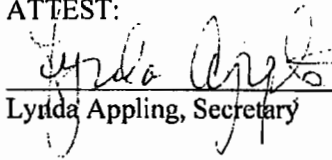
CERTIFICATION

The Tribal Council of the Picayune Rancheria of the Chukchansi Indians does hereby certify that the foregoing resolution was adopted by the Tribal Council at a duly called meeting on the 9 day of September, 2014, at which a quorum was present, by a vote of 4 for, 0 against, 0 abstentions, and 0 not voting, and 1 absent.



Monica Davis-Johnson, Vice Chairperson

ATTEST:



Lynda Appling, Secretary

EXHIBIT 2



Picayune Rancheria
of the

CHUKCHANSI INDIANS

46575 Road 417 • Coarsegold, CA 93614 • (559) 683-6633 • FAX (559) 683-0599

**RESOLUTION NO. 2014-79
OF THE
PICAYUNE RANCHERIA OF CHUKCHANSI INDIANS**

**NOTICE OF ACTION TO EXCLUDE STC SECURITY AND LEONARD ROSSON
FROM THE BOUNDARIES OF THE
PICAYUNE RANCHERIA OF CHUKCHANSI INDIANS**

- WHEREAS,** the Picayune Rancheria of Chukchansi Indians (the "Tribe") is a sovereign federally recognized Indian tribe organized under the Constitution of the Tribe adopted on October 22, 1988; and
- WHEREAS,** the Tribal Council of the Picayune Rancheria of Chukchansi Indians (the "Tribal Council") is the Governing Body of the Tribe pursuant to Article IV, Section 2 of the Constitution; and
- WHEREAS,** the Tribal Council is authorized by the Constitution, Article V (a) to promulgate and enforce bylaws and ordinances necessary to carry out its powers under this Constitution; and
- WHEREAS,** the Tribal Council is authorized by the Constitution, Article V (b) to promulgate and enforce ordinances governing the conduct of the members of the Tribe, and non-members within the Tribe's jurisdiction; and
- WHEREAS,** the Tribal Council is authorized by the Constitution, Article V (c) to safe guard the peace, safety, morals and general welfare of the Tribe; and
- WHEREAS,** the Tribal Council is authorized by the Constitution, Article V (h) "to administer and regulate the use and disposition of all Tribal property."; and
- WHEREAS,** the Tribal Council is authorized by the Constitution, Article V (j) "to manage tribal funds in accordance with approved resolutions."; and

WHEREAS, the Tribal Council as the governing body of the Tribe has the Constitutional authority provided for the establishment of the Tribal Courts for all purposes allowed by law, including exercising the Tribe's jurisdiction and protecting the rights and interests of the Tribe's monetary resources wherever they are found; and

WHEREAS, the Tribal Council has the constitutional duty and responsibility to oversee the protection of Picayune Rancheria's gaming, business and land resources and most importantly the "general welfare" of the Rancheria's membership; and

WHEREAS, the Tribal Council recognizes their authority to exclude nonmembers, as well as members of the Rancheria that threaten the "general welfare" of the Rancheria's membership based upon certain actions and activities that clearly are a menace to the security of Rancheria; and

WHEREAS, based upon this authority the Tribal Council believes that it would be in the "best interest" of the Tribe and its membership to exclude permanently Leonard Rosson and his Company, STC Security Company from the Picayune Rancheria lands, whether held in trust or fee status, including, but not limited to any and all land allotments owned through heirship by tribal members and all businesses owned by the Rancheria (Chukchansi Gold Resort Casino).

NOW, THEREFORE BE IT RESOLVED, that the Picayune Rancheria of Chukchansi Indians hereby excludes permanently Leonard Rosson and any and all employees of STC Security Company or any other security company that is owned partially or wholly by Leonard Rosson; and

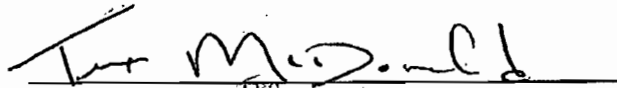
BE IT FURTHER RESOLVED, this exclusion order shall be filed with the Tribal Court for the Picayune Rancheria of Chukchansi Indians to be memorialized in an *Order of Exclusion* as per Title III, Section 3.1.3. (8):

Doing or threatening to do any act upon the Rancheria, which seriously threatens the peace, health, safety, morals and general welfare of the Rancheria, its members, or other persons living on Rancheria lands and allotments, including any activity described herein that would negatively affect the business entities and enterprises no matter where said businesses are located.


BE IT FINALLY RESOLVED, the General Counsel for the Rancheria is hereby instructed to file for an emergency hearing on the exclusion of Leonard Rosson and STC Security as per Title III, Section 3.1.5 et seq. AND Leonard Rosson and STC Security is hereby excluded and banned from the Picayune Rancheria of Chukchansi Indians.

CERTIFICATION

The Tribal Council of the Picayune Rancheria of the Chukchansi Indians does hereby certify that the foregoing resolution was adopted by the Tribal Council at a duly called meeting on the 27 day of June, 2014, at which a quorum was present, by a vote of 5 for, 1 against, 0 abstentions, and 0 not voting, and 1 absent.


Tex McDonald, ~~Acting~~ Chairperson
~~Vice Chairperson~~ ^{TJM}

ATTEST:


Linda Appling, Secretary