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TRIBAL COURT
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IN THE TRIBAL COURT FOR THE ROUND VALLEY INDIAN TRIBES

COVELO, CALIFORNIA

DOUGLAS E. HUTT, JR., Plaintiff, vs. ROUND VALLEY INDIAN TRIBE ELECTION BOARD, Defendant.	Case No.: RVIT-CV-2026-0038-JW **ORDER GRANTING DEFENDANT'S MOTION TO DISMISS; DISMISSING COMPLAINT WITHOUT LEAVE TO AMEND FOR FAILURE TO NAME OFFICIAL-CAPACITY DEFENDANTS; DENYING MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION AS MOOT**

This matter is before the Court on (1) the Complaint and Motion for Temporary Restraining Order and Preliminary Injunction filed on October 19, 2026, by Plaintiff Douglas E. Hutt Jr., who represents himself; and (2) the Motion to Dismiss and Request to Deny Injunctive Relief filed on October 23, 2026, by Defendant Round Valley Indian Tribes Election Board. The Court heard the matter on October 23, 2026, at 10:00 a.m. For the reasons below, the Election Board's Motion is **GRANTED**, the Complaint is **DISMISSED WITHOUT LEAVE TO AMEND**, and Plaintiff's Motion is **DENIED AS MOOT.**

I. BACKGROUND

Plaintiff is an enrolled member of the Round Valley Indian Tribes. He alleges that the Election Board removed him from the list of eligible candidates for the November 3, 2026, General Election because he was not "in good standing" under the Election Ordinance. The removal was based on a 2018 debt to the Round Valley Indian Housing Authority. Plaintiff asks the Court to halt all election activities, to schedule a hearing on a

- On September 1, 2026, the Board received information that a debt associated with Plaintiff remained unpaid. Plaintiff was not included on the official list of eligible candidates, and he was notified around the time the list was posted.
- The Board did not learn of this case until the morning of October 20, 2026, when correspondence mail was checked in the administration office.

The Board asks the Court to dismiss the Complaint as premature or otherwise legally insufficient, to deny injunctive relief, and to allow the election to proceed. In the alternative, it asks for additional time to respond. The Board also asks the Court to distinguish between official decisions of the Election Board and the actions or statements of individual Board members.

II. DISCUSSION

A. Applicable Law.

This Court applies the Constitution and laws of the Round Valley Indian Tribes. Where tribal law does not answer a procedural question, the Court may look to federal law as persuasive authority. The Court look to the due process guarantee of the Indian Civil Rights Act, 25 U.S.C. § 1302(a)(8), which requires that each party receive notice and an opportunity to be heard.

B. An Official-Capacity Suit Must Identify the Officials Being Sued.

Plaintiff has chosen to proceed on an official-capacity theory. Under that theory, a suit for prospective relief may go

or office, such as Chair, Vice-chair, Referee, or Clerk, in his pleadings.

C. The Defect Is Not Cured by Naming the Election Board.

The Court recognizes that an official-capacity suit is, in substance, a suit against the entity the officer serves. *Kentucky v. Graham*, 473 U.S. 159, 165-66 (1985). But Plaintiff did not plead or argue that the Election Board, as an entity, may itself be sued. He relied instead on the provision of Article XIII, Section 3 that subjects "tribal officials and employees" to suit. The Court will not cure Plaintiff's defect by constructing a different theory for him.

The defect is also practical. An injunction binds the parties and their officers, agents, and those in active concert with them who receive actual notice. Fed. R. Civ. P. 65(d)(2). The Court cannot issue an enforceable order, or hold anyone accountable for violating one, when the persons to be bound have not been named. Nor can the Court confirm that any such person received notice of this action. Federal practice permits a temporary restraining order without notice to the adverse party only on a showing of the efforts made to give notice and why notice should not be required. Fed. R. Civ. P. 65(b)(1)(B). The Proof of Service shows delivery to the "Election Committee" generally and identifies no individual who was served.

The Election Board's own filing illustrates the problem. The Board states that it learned of this case only when mail was checked in the administration office on October 20, 2026. No individual member has been identified as served. The Board also asks the Court to distinguish between the Board's official

certifies them. Ordinance § 13.01(A). The Court must hear and decide such a challenge within thirty days. *Id.* § 13.01(B). If the Court invalidates the results or the election procedures, a new election must be held. *Id.* § 13.01(E). Plaintiff's claims about the conduct of the Election Board and his eligibility can be presented through that process. Plaintiff himself told the Election Board, in his letter of September 30, 2026, that he would pursue that process if he was not restored to the ballot.

2. The relief sought cannot be obtained through amendment in time. Plaintiff asks the Court to halt the November 3, 2026, General Election, which, to put it mildly, is an extraordinary remedy. An amended complaint would have to name and serve each defendant, and each defendant would be entitled to notice and an opportunity to respond. 25 U.S.C. § 1302(a)(8). That process cannot be completed fairly before the election.

3. Orderly administration of the election. The election is set by the Constitution for the first Tuesday of November in even-numbered years. Const. art. VIII, § 1; Ordinance § 3.02. The Ordinance channels disputes over the conduct of an election into the post-certification process in Article XIII. Successive pre-election filings in the days before the vote would burden the Election Board in performing its duties, burden the voters, and potentially deny them the opportunity to timely exercise their franchise to elect leaders of the Tribe.