

---

**ONEIDA JUDICIARY  
TRIAL COURT**

---

**Jordan Powless,  
Petitioner**

v.

**Case No: 16-TC-053**

**Travis Wallenfang,  
Indian Preference Department,  
Respondents**

---

**ORDER**

---

This case has come before the Oneida Trial Court, Honorable Layatalati Hill presiding.

**Background**

Petitioner filed compliant on July 25, 2016. A hearing was scheduled for August 25, 2016 at 9:00 a.m. On August 8, 2016 the Respondent filed a motion to reschedule the hearing. The hearing was rescheduled for September 8, 2016 at 9:00 a.m. On September 8, 2016 a hearing was held.

**Findings of Fact**

The court finds as follows:

1. The Court has Territorial, subject matter and personal jurisdiction.
2. On September 8, 2016 a hearing was held.
3. The Petitioner failed to appear.

**Analysis**

The Petitioner has had several opportunities to have his day in court. The Petitioner first filed this same action on May 19, 2016 and a hearing was held on July 19, 2016. There the Petitioner failed to serve the Tribal Secretary and the Respondent's motion to dismiss was granted without prejudice. The Petitioner then refiled on July 25, 2016 and a hearing was scheduled for August 25, 2016. The

Petitioner requested the hearing to be adjourned to a later date. The request was granted. The Petitioner filed proof of service for the Tribal Secretary on September 6, 2016, just two days before the hearing. At that time, the Petitioner did not notify the court or give any indication that he would not be present at the hearing on September 8, 2016. On September 8, 2016 the hearing was held. The Court waited a few minutes past 9:00 a.m. to see if the Petitioner would appear. The Petitioner did not appear and the Respondent requested an involuntary dismissal with prejudice based on the Rules of Civil Procedure section 153.21-2.

### **Decision**

The Court enters the following order:

The Respondent's motion to dismiss is hereby granted and case #16-TC-053 is dismissed with prejudice.

IT IS SO ORDERED.

By the authority vested in the Oneida Judiciary pursuant to Resolution 01-07-13-B of the General Tribal Council and Order signed on September 8, 2016 in the matter of *Jordan Powless v Travis Wallenfang, Indian Preference Department*. Case #16-TC-053.