

COURT OF APPEALS

Janene Skenandore,

Appellant,

Case #: 17-AC-001

v.

February 8, 2017

Oneida Housing Authority,

Respondent.

INITIAL REVIEW DECISION

Reviewing Oneida Judiciary Appellate Judges: Diane House, Chad Hendricks, and Sharon House.

Background

On January 3, 2017, Appellant Janene Skenandore (hereinafter “Skenandore”) petitioned the Oneida Judiciary Trial Court (hereinafter “Trial Court”) for a Temporary Restraining Order (“TRO”) to stay her eviction from her residence located at: N6433 Oakwood Court, Oneida, WI. The Trial Court granted the TRO, and scheduled a hearing for January 5, 2017. Due to Skenandore’s failure to appear at the January 5, 2017 hearing, the Trial Court issued an order on January 5, 2017, that upheld the eviction and termination of Skenandore’s Rental Agreement with the Oneida Housing Authority. In addition, the Trial Court ordered the TRO to be lifted on January 12, 2017 @ 4:00 P.M. On January 12, 2017, Skenandore filed with the Oneida Judiciary Court of Appeals: 1) a Notice of Appeal that included a request for Temporary Restraining Order; and 2) Fee Waiver Request.

Decision

After review of the information contained in the Notice of Appeal and the decision of the Trial Court as the original hearing body, it is determined that Skenandore has not sufficiently alleged that the Trial Court’s decision:

1. Violates applicable provisions of the Constitution;
2. Violates provisions, substantive or procedural, of applicable Tribal law or applicable federal law;
3. Is an administrative decision that is arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with applicable law; or
4. Is not supported by the substantial evidence on the record taken as a whole, nor has new evidence been presented that was unavailable at the time of the hearing, which, if available, may have altered the final decision.

Skenandore thus failed to state the legal grounds for her appeal under Oneida Rule of Appellate Procedure §805.5-2(c)(3). Therefore, the Trial Court's Order upholding the Eviction and Termination of the Oneida Housing Authority Rental Agreement with Skenandore is **AFFIRMED**; and the request for a Temporary Restraining Order contained in the Notice of Appeal is denied. In addition, due to the non-acceptance of this appeal by the Court of Appeals, the Fee Waiver Request is hereby deemed a moot issue.

By the authority vested in the Oneida Judiciary, Court of Appeals, in Oneida General Tribal Council Resolution 01-07-13-B, this appeal is hereby **DENIED**. The Request for a Temporary Restraining Order is **DENIED**.

It is so ordered.