

**COURT OF APPEALS**

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Robin S Doyen,

Appellant,

Case #: 17-AC-014

v.

September 6, 2017

Oneida Housing Authority,

Respondent.

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**INITIAL REVIEW DECISION**

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Reviewing Oneida Judiciary Appellate Judges Diane House, Sharon House, and Chief Judge Gerald L. Hill.

**BACKGROUND**

On August 7, 2017, the Oneida Judiciary's Trial Court (hereinafter "Trial Court") held a hearing on Appellant Robin S. Doyen's (hereinafter "Doyen") petition for a temporary restraining order to stay her eviction from 1230 Chief Hill Drive, Green Bay, Wisconsin. On August 16, 2017, the Trial Court denied Doyen's petition for a restraining order and upheld Doyen's eviction order. Doyen was further ordered to vacate the premises by September 3, 2017 at 4:30 P.M.

On September 1, 2017, Doyen filed a Notice of Appeal with the Court of Appeals. Doyen also filed a Motion for Stay of Enforcement of the Trial Court's decision, Request for Waiver of Deposit/Bond, and Filing Fee Waiver Request in accordance with Oneida Rules of Appellate Procedure §805.5-2(d) and §805.5-2(b)(1) respectively.

**DECISION**

After review of the information contained in the Notice of Appeal and the decision of the Trial Court as the original hearing body in Case No. 17-TC-048, it is determined that Doyen 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.

Both parties were present at the hearing held on August 7, 2017. The Trial Court judge, as the finder of facts, heard both parties' arguments, and determined the applicable law. The trial judge was in the best position to weigh the evidence presented and we find no clear error in the application of the law. Therefore, the Trial Court's Order dated August 16, 2017, in the matter of *Robin Star Doyen v. Oneida Housing Authority*, Case No. 17-TC-048, is hereby **AFFIRMED**.

This case does not involve an appeal of a money judgment assessed against Doyen, so the Request for Waiver of Deposit/Bond was unnecessary. In addition, because Doyen's appeal has been denied, her Filing Fee Waiver Request and the Motion for Stay of Enforcement of Decision are hereby rendered moot.

By the authority vested in the Oneida Judiciary, Court of Appeals, in Oneida General Tribal Council Resolutions 01-07-13-B and 3-19-17-A, this appeal is hereby **DENIED**, this 6<sup>th</sup> day of September 2017, in the matter of Case No. 17-AC-014, *Robin S. Doyen v. Oneida Housing Authority*.

*It is so ordered.*