

Oneida Tribal Judicial System

Onayote ʔ a-ka Tsiʔ Shakotiyaʔ Tolé hte

Trial Court

John G. Orie,
Petitioner

Docket No. 07-TC-100

vs.

Date: June 15, 2007

Oneida Election Board,
Raquel Hill,
Respondent

Decision

This case has come before the Oneida Tribal Judicial System, Trial Court. Judicial Officers Anita Barber, Marjorie Stevens, David Webster presiding.

Deliberation held Friday, June 15, 2007, at 4:00 p.m., Oneida Appeals Commission.

I. Background

On June 14, 2007, Petitioner, John Orie, filed a Motion for Temporary Restraining Order. Petitioner's cause of action arises out of his denial to be placed on the Oneida Election Ballot for the 2007 Special Election.

Petitioner seeks to restrain the Respondent from denying petitioner's name from being placed on the June 30, 2007 election ballot.

II. Issues

Does Complaint and Motion for Injunctive Relief meet the grounds for consideration?

Rule of Law: Oneida Appeals Commission Rules of Civil Procedure, Rule 31 Injunction.

III. Analysis

Does Complaint and Motion for Injunctive Relief meet the grounds for consideration?

In order for this matter to move forward, this hearing body must determine whether Petitioner's claim of harm meets the test under Rule 31:

- (E) Grounds for Injunction:
 - (1) When it appears by the pleadings on file that a party is entitled to the relief demanded, and such relief, or any part thereof, consists in restraining the commission or continuance of some act complained of, either for a limited period of time or perpetually;
 - (2) When it appears from the pleadings or by affidavit that the commission or continuance of some act during the litigation would produce great or irreparable injury to the party seeking injunctive relief;
 - (3) When it appears during the litigation that either party is doing or threatens, or is about to do, or is procuring or suffering to be done, some act in violation of the rights of another party respecting the subject matter of the action, and tending to render the judgment ineffectual;
 - (4) When in any case where an injunction would be proper in equity.

Petitioner claims he is or could be harmed by not having his name on the Election Ballot.

Petitioner's claim of harm is a result of his not receiving the original denial letter and not abiding by the contents of the letter dated May 22, 2007, sent via Certified Mail and original requesting petitioner to submit the information by the due date of May 30, 2007. First, Petitioner had ample opportunity to receive the letter from the Oneida Election Board had he provided a proper address or picked up his mail. Second, Petitioner had an opportunity to appeal the matter to the Oneida Election Board, which he failed to do. Third, although the original concern has merit, there is a lack of documentation to make any other decision.

III. Decision

Petitioner failed to meet the deadline as set out in the letter from the Oneida Election Board and to provide the necessary documentation prior to the deadline date. For the reasons stated, Petitioner's Motion for Injunctive Relief is denied.