

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

Brenda L. Brown,
Petitioner

v.

Case No: 19-TC-016

Oneida Nation / Comprehensive Housing Division,
Respondent

ORDER

This case has come before the Oneida Trial Court, Honorable John E. Powless III presiding.

Appearing in Person: Petitioner, Brenda L. Brown, Respondent's Attorney, Krystal L. John, Respondent, Area Manager Comprehensive Housing Division, Scott Denny.

Statement of the Case

The Petitioner is seeking to overturn eviction and move back into rental unit: N5834 Sand Hill Circle, De Pere, Wisconsin 54115.

Findings of Fact

The Court finds as follows:

1. The Court has subject matter and personal jurisdiction over this matter.
2. Petitioner did not complete or submit required Annual Rental Agreement Renewal Review packet.
3. On October 1, 2019, Respondent notified Petitioner via certified letter, if annual income requirement does not meet compliance by November 30, 2019, Petitioner will be required to vacate the unit.
4. Parties entered into an additional thirty (30) day limited term rental agreement to allow for Petitioner to reach compliance.
5. Petitioner still did not reach compliance upon expiration of additional thirty (30) days.
6. Petitioner did not meet the minimum annual income requirement of \$7,800.00.
7. Respondent initiated the eviction process.
8. Locks at unit N5834 Sand Hill Circle, De Pere, WI 54115 were changed December 3, 2019.
9. A hearing was held January 6, 2020.
10. At the hearing, the court accepted: Petitioner letter to the court, Respondent Chronological history of rental arrears and Motion to Dismiss.

Principles of Law

Rules of Civil Procedure

803.21-2. *Involuntary Dismissal; Effect.* If the plaintiff fails to prosecute or to comply with this Law or a Court order, a defendant may move to dismiss the action or any claim against it. Unless the dismissal order states otherwise, a dismissal under this subdivision 803.21-2 and any dismissal not under this Rule—except one for lack of jurisdiction, improper venue, or failure to join a party—operates as an adjudication on the merits.

Analysis

At the hearing, the Respondent motioned the Court to Dismiss this case with prejudice pursuant to Sec 803.21-2 of the Oneida Judiciary Rules of Civil Procedure. Respondent moves to dismiss based on one or more of the following:

1. Lack of subject-matter jurisdiction
2. Lack of Personal jurisdiction
3. Improper venue
4. Insufficient process
5. Insufficient service of process
6. Failure to state a claim upon which relief can be granted
7. Failure to join a party

This court has both subject-matter and personal jurisdiction, therefore, the alleged lack of jurisdiction does not apply. Improper venue, Insufficient process or service of process and failure to join a party are not applicable to this case as well.

The Petitioner failed to state a claim upon which relief can be granted. The Petitioner's complaint does not cite a violation of tribal laws, rules, regulations or policies pertaining to this eviction, therefore, this court cannot provide the requested relief, which is to return into rental unit: N5834 Sand Hill Circle, De Pere, Wisconsin 54115.

Order

The Court enters the following order:

1. Respondent's Motion to Dismiss with Prejudice is GRANTED.
2. Petitioner's request to overturn eviction and move back into rental unit at N5834 Sand Hill Circle, De Pere, Wisconsin 54115 is DENIED.
3. This action is dismissed as an adjudication on the merits.

IT IS SO ORDERED.

By the authority vested in the Oneida Judiciary pursuant to Resolution 01-07-13-B of the General Tribal Council an Order was signed on January 21, 2020 in Case No. 19-TC-016.

John E. Powless III
Trial Court Judge