

**ONEIDA JUDICIARY**  
**Tsi nu téshakotiya?tolétha?**

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**TRIAL COURT**

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**Earl L. Elm, Jr.**  
**Plaintiff,**

**v.**

**Case No: 24-TC-004**

**Keyna R. Skenandore**  
**Respondent.**

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**ORDER**

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

*Appearing In-person:* Plaintiff, Earl L. Elm, Jr., Plaintiff’s Advocate, Duane Elm; Respondent Keyna R. Skenandore.

**Background**

On April 17, 2024, Plaintiff filed a civil complaint to the Oneida Nation Trial Court seeking to evict Respondent from his home. A pre-trial hearing was held on Wednesday, May 22, 2024. At the hearing, the Court’s recording system was not working. As a result, the Court re-scheduled the pre-trial hearing to May 28, 2024. A pre-trial hearing was held May 28, 2024.

**Principles of Law**

**8 O.C. Judiciary – Chapter 801**

**801.5. Trial Court**

801.5-2. *Subject Matter Jurisdiction.* The Tribe is a sovereign nation and reserves all sovereign rights, authority and jurisdiction consistent with being a sovereign nation. The Trial Court shall have subject matter jurisdiction over cases and controversies arising under the following:

- (a) Tribal laws which specifically authorize the Trial Court to exercise jurisdiction.
- (b) the Constitution.
- (c) where an agency has denied a person a benefit or has provided a person with an incorrect or incomplete benefit, or has imposed a fine on a person, and the person has exhausted the process provided by law, if any, for review of the action, and
  - (1) a hearing body has not been designated by law for the purpose of an appeal; or
  - (2) there is no law providing that the agency’s decision is final and/or not appealable.
- (d) where a disagreement over the terms, interpretation or enforcement of a written contract, where at least one (1) of the parties is an agency or where both parties meet the personal jurisdiction requirements listed in 801.5-4.

**8 O.C. Judiciary – Chapter 803: Rules of Civil Procedure**

**803.21. Dismissal of Action**

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**

In accordance with the Judiciary Law, Chapter 801, the Trial Court shall have subject matter jurisdiction over cases and controversies that a) arise under a tribal law which authorizes the Trial Court jurisdiction, b) the Constitution, c) when an agency has denied a benefit, or provided an incorrect or incomplete benefit, or imposed a fine on a person, and the person exhausted the process provided by law, and an appeal process is not offered, or no law providing that the agency’s decision is final and/or not appealable, and d) when there is a disagreement over the terms, interpretation, or enforcement of a written contract, where at least one party is an agency or where both meet personal jurisdiction requirements. Also, in the event a Plaintiff fails to identify subject matter jurisdiction, the action may be dismissed due to a lack of jurisdiction.

In this case, Plaintiff stated that since his filing to the Trial Court, he completed his Comprehensive Housing Division annual review. In doing so, Respondent was removed from the rental agreement/lease. As a result, Respondent agreed to leave the unit within thirty (30) days from the hearing. However, Plaintiff did not identify or present any evidence that this Court has subject matter jurisdiction pursuant to the requirement in 801.5-2. Therefore, the Court must dismiss this case, due to a lack of subject matter jurisdiction.

**Finding of Facts**

1. The Court has personal jurisdiction over this matter.
2. The Court does not have subject matter jurisdiction over this matter.
3. Notice was given to all entitled to notice.
4. Plaintiff filed a complaint to the Trial Court seeking to evict Respondent from his home.
5. A pre-trial hearing was held on May 28, 2024.
6. At the hearing, the Plaintiff did not identify or present any evidence to support that this Court has subject matter jurisdiction over this matter.

**Order**

1. Plaintiff’s complaint is dismissed due to a lack of subject matter jurisdiction.

IT IS SO ORDERED.

By the authority vested in the Oneida Judiciary pursuant to Resolution 01-07-13-B of the General Tribal Council this Order was signed on June 10, 2024.



John E. Powless III, Trial Court Judge