

## COURT OF APPEALS

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Terrylee Blackowl,  
Appellant,

Case No.: 26-AC-003

v.

Date: June 8, 2026

Oneida Comprehensive Housing Division,  
Respondent.

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### INITIAL REVIEW DECISION

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This matter has come before Appellate Judges Diane House, Daniel Cornelius, and Chief Appellate Judge Patricia Garvey.

#### **BACKGROUND**

Appellant Terrylee Blackowl (hereinafter “Blackowl”) entered a residential lease with Oneida Comprehensive Housing Division (hereinafter “CHD”) for the property located at 1320 Onu-U-Sla Way, Green Bay, 54313. On June 26, 2025, CHD issued Blackowl a notice of termination of lease, along with a five (5) day notice to vacate the premises citing on-going nuisance activities. On June 26, 2025, Blackowl filed a timely challenge to the eviction notice with the Oneida Trial Court. On September 26, 2025, the Trial Court held a hearing in which both parties were represented by their attorneys. On December 1, 2025, the Trial Court issued an order that affirmed CHD’s decision to terminate Blackowl’s residential lease and issued a stay on the lease termination until the Trial Court approved the parties’ plan to surrender the property.

On December 31, 2025, Blackowl filed a Notice of Appeal of the eviction judgment with the Court of Appeals. On January 13, 2026, Blackowl filed a Motion for Expedited Stay of Trial Court Proceedings with this Court. On January 29, 2026, this Court issued its Initial Review denying Blackowl’s appeal and Motion for a Stay.

On February 4, 2026, Blackowl filed two motions with the Court of Appeals. The first Motion requested the Court to reconsider its denial, and the second Motion requested injunctive action to temporarily stop execution of the Trial Court's December 1, 2025, Order. On February 11, 2026, this Court granted Blackowl's Motion for Reconsideration and accepted her appeal. In addition, the Court granted injunctive relief to stay the lease termination and eviction proceedings. On April 21, 2026, this Court dismissed Blackowl's appeal for failure to timely file her appellate brief.

On April 23, 2026, the CHD filed a motion with the Trial Court to lift the stay and proceed with the lease termination, acquiring the house, and vacating the premises. A hearing was held on May 20, 2026. On May 21, 2026, the Trial Court granted CHD's Motion including financials, a date to vacate and when locks would be changed. On May 21, 2026, Blackowl filed with the Trial Court a Motion for Injunctive Relief to stop CHD from proceeding with the termination and consider an alternative proposal. On May 27, 2026, CHD filed a response asking Trial Court to deny Blackowl's Motion. On May 29, 2026, the Trial Court denied the Motion for injunctive relief and the alternative proposed agreement.

On June 3, 2026, Blackowl filed a Notice of Appeal with this Court appealing the May 29, 2026, Order of the Trial Court. Blackowl also filed a Motion for Expedited Injunctive Relief Against the Respondent and to Enjoin the Oneida Trial Court from Enforcement of Forced Eviction to Prevent Irreparable Harm to Petitioner. Also on June 3, 2026, Blackowl filed an amended Motion to stay the eviction and changing the locks on the home the following day.

### ANALYSIS

In the Order issued on May 21, 2026, the Trial Court upheld CHD's April 23, 2026, Motion to terminate Blackowl's residential lease and proceed with the eviction, including vacating the premises on or before June 3, 2026, with locks being changed on June 4, 2026. The purpose of the Order issued on May 21, 2026, was to lay out the dates of the termination, vacating the property and the financials related to the termination. On May 21, 2026, Blackowl filed a Motion for a Stay and Injunctive Relief with the Trial Court with the same previous challenges, along with an offer for a stipulation with CHD as an alternative to her eviction. On May 29, 2026, the Trial Court reiterated the lease termination and eviction timelines and denied Blackowl's Motion for the court-

ordered stipulation. Here, Blackowl's arguments against the May 29, 2026, Order are the same as in her previous appeal of the December 1, 2025, Order, in Case Number 25-AC-005.

This case requires us to consider the doctrine of issue preclusion. Issue preclusion prohibits relitigating factual or legal issues that have been decided in earlier litigation between the same parties. *Diane M. Stumph v. Terry Jordan*, 21-AC-013, December 6, 2021. In *Stumph*, after granting two extensions for Stumph to file her appellate brief, she requested a third extension on the date the brief was due. The motion was filed electronically at 4:50 p.m. The normal business hours of the Oneida Judiciary are 8:00 a.m. to 4:30 p.m. The Motion was denied. Jordan then filed a Motion to Dismiss and his Motion was granted.

In the previous *Blackowl* action, 25-AC-005, this Court dismissed her case for failing to comply with timeline requirements of the Rules of Appellate Procedure (she did not file her brief before the close of normal business hours on the date due). That was Blackowl's opportunity to address the legal issues regarding the lease termination and eviction.

This scenario is almost identical to the *Stumph* case, i.e., both appellants failed to timely file their briefs and both raise issues that have been previously litigated. By continually raising the same arguments against the lease termination and eviction, Blackowl appears to be seeking another opportunity to relitigate issues that were conclusively decided by the Trial Court and contained within a valid final judgment.

Blackowl does not state how the May 29, 2026, Order is in violation of any law.

The issues in the case have always been the same, and Blackowl has received the process she is due. The *Stumph* case is the precedence we uphold.

### **DECISION**

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

- 1) Violated applicable provisions of the Constitution;

- 2) Violated provisions, substantive or procedural, of applicable Oneida 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.

As a result, Blackowl has failed to state legal grounds for her appeal under the Oneida Rules of Appellate Procedure §805.5-2(c)(3).

The appeal is DENIED and Blackowl's Motion for Injunctive Relief is also DENIED.

By the authority vested in the Oneida Judiciary, Court of Appeals, in Oneida General Tribal Council Resolutions 01-07-13-B and 03-19-17-A, this appeal is hereby **DENIED**. Dated this 8th day of June 2026, in the matter of Case Number 26-AC-003, *Terrylee Blackowl v. Oneida Comprehensive Housing Division*.

***It is so ordered.***