

FILED

IN THE DISTRICT COURT OF THE CHEROKEE NATION

2018 MAY -1 PM 3:21

ROBIN CARTER MAYES,)
Candidate at Large,)
)
Petitioner,)

CHEROKEE NATION
DISTRICT COURT
WALSTON HONCOBYEA
COURT CLERK

v.)

Case No. CV-17-273

CHEROKEE NATION ELECTION)
COMMISSION, CHEROKEE NATION)
OFFICE OF THE ATTORNEY GENERAL,)
TODD HEMBREE, an Individual, SAHWNA)
CALICO, an individual, TERESA HART,)
an individual, MARTHA CALICO, an)
individual, CAROLYN ALLEN, an individual,)
PAMELA SELLERS, an individual, JOHN)
DOE, unknown individuals.)

Respondents.)

ORDER SUSTAINING RESPONDENTS' MOTION TO DISMISS


Now on this 1st day of May, 2018, this matter comes on for decision. Petitioner having filed his Second Amended Petition on November 16, 2017, Respondents having filed their Special Limited Entry of Appearance and Motion to Dismiss Second Amended Petition respectively on February 8, 2018. After a review of the pleadings filed herein, the Court **FINDS AS FOLLOWS:**

1. The FIRST CAUSE OF ACTION listed in the Second Amended Petition is dismissed for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted.
2. The SECOND CAUSE OF ACTION listed in the Second Amended Petition is dismissed for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted.

3. The THIRD CAUSE OF ACTION listed in the Second Amended Petition is dismissed as this Court finds that LA-12-16 § 11(c)(12)(f) is not unconstitutional. The issue of subject matter jurisdiction and standing need not be addressed.
4. The FOURTH CAUSE OF ACTION listed in the Second Amended Petition is dismissed for lack of subject matter jurisdiction, failure to state a claim upon which relief can be granted and lack of standing.

IT THEREFORE ORDERED that this matter be dismissed with prejudice.

Dated this 1st day of May, 2018.


CRYSTAL R. JACKSON
JUDGE OF THE DISTRICT COURT