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Calif. Residents Sue Feds Over Tribe's Federal Status, Casino

By **Crystal Owens**

Law360 (April 15, 2025, 6:13 PM EDT) -- Three Plymouth, California, residents and a civil rights nonprofit have alleged in a suit that the federal government conspired to approve federal recognition, fee-to-trust and gaming applications for the Ione Band of Miwok Indians, questioning the constitutionality of the trust relationship between the U.S. and Indigenous nations.

The Citizens Equal Rights Alliance Inc. and residents Deward W. Cranford II, Jon Colburn and William P. Braun **filed a complaint** Monday in a D.C. federal district court to fight the Ione Band's federal recognition status as well as a decision by the U.S. Department of the Interior and other related agencies to take 228 acres into trust for the development of a casino in Amador County, California.

According to the lawsuit, the residents and their families live a short distance from the proposed casino project and are concerned that the only access to their properties — a narrow secondary county road that has become a commuter artery for the city of Plymouth — would be overburdened.

"To maintain the constitutional structural balance and keep our constitutional rights as Americans, we must end the Indian trust and deny that the federal government has the same sovereign powers as King George III," they told the court. "We also must ensure that the United States government only has the sovereign authority enumerated in the Constitution, including the Fourteenth Amendment."

In addition to the DOI, the suit also names DOI Secretary Doug Burgum, the Bureau of Indian Affairs, BIA Director Bryan Mercier, the National Indian Gaming Commission, the U.S. Department of Justice and U.S. Attorney General Pam Bondi as defendants.

The lawsuit isn't the first time the Ione Band's casino project has been challenged in the federal courts.

Last April, the U.S. Supreme Court **denied a bid** by advocacy group No Casino in Plymouth to overturn a Ninth Circuit decision **dismissing the group's case** after determining the Ione Band is eligible to go forward with its project.

No Casino in Plymouth sued the DOI and the NIGC in 2018, trying to stop the development of a "large Las Vegas style casino" the Ione Band leaders proposed building in Amador County, roughly 45 miles east of Sacramento.

The activists argued former NIGC Chairman Jonodev Chaudhuri shouldn't have approved the Ione Band's gambling ordinance in March 2018 because the tribe didn't have eligible land at the time. Also, the development site was still privately owned five years ago, they said.

According to the latest lawsuit, the Ione Band gained its federal status in 1994. However, the nonprofit and Plymouth residents contended Monday the Interior Department only has the authority to give that title to an Indigenous tribe that was not historically recognized with the 1934 adoption of the Indian Reorganization Act.

While separate bands of larger Indigenous nations like the Sioux were recognized as separate but related tribes with their own governmental authority and customs, the smaller bands of Native people in California did not meet any of the criteria to make them historical tribes, the plaintiffs argued.

"Not only were these groups only part Indian having intermixed with the Mexican people who consider themselves 'Mestizos' or mixed blood, many were Indians from tribes that had been rendered extinct in Mexico and had no connection to the United States," the residents and nonprofit said.

The Ione Band of Miwok Indians, a small group of three families, the complaint argued, cannot meet the requirements to be recognized under federal law.

According to the lawsuit, the federal recognition of the tribe violates the residents' civil rights, which requires all governments to treat people like "white people."

"The reason for this very blunt provision of the 1866 Civil Rights Act was to prevent exactly what has happened here — to prevent federal and individual defendants from being able to create different statuses of citizens of the United States," they told the court.

Because the Ione Band isn't entitled to federal recognition, the plaintiffs argued, the 2012 decision by the DOI to take 228 acres into trust for the tribe violates the Indian Reorganization Act and the Land Consolidation Act, the lawsuit says.

The Ione Band committed in 2009 to mitigate any lost property tax revenues as a result of the land parcels being taken into federal trust for the tribe's casino, according to the suit, but as of January 2024, it had not made any public declarations to the City of Plymouth and Amador County that the tribe would make any annual contribution equal to the current tax rate.

In August 2024, the Amador County Tax Collector published notices in the local newspaper that said as of September 2024, seven of the 10 parcels taken into trust by the federal government for the tribe were on the municipality's default delinquent list for \$41,927, according to the lawsuit.

In addition, the residents and nonprofit said, the land-trust decisions are a "flagrant misuse and abuse of the fee-to-trust process" by the BIA's Sacramento Regional Office because Regional Director Amy Dutschke is a member of the Ione Band "and has a direct pecuniary and personal interest in having these parcels of land placed into trust status in order to build a casino that will only directly benefit the members of the Ione Band."

Dutschke is also a named defendant in the lawsuit.

The residents and nonprofit are asking the court to declare the Ione Band's federal recognition status violates their rights under the Fifth, 10th, 13th and 14th amendments.

They are also asking the court to declare the Ione Band should be stricken from the federal recognition list until it complies with the proper process.

Counsel for the residents, Citizens Equal Rights Alliance and the Ione Band could not be reached for comment on Tuesday.

The residents and Citizens Rights Alliance are represented by Lawrence A. Kogan of The Kogan Law Group PC.

Counsel information for the defendants was not available Tuesday.

The case is Cranford II et al. v. U.S. Department of the Interior et al., case number, 1:25-cv-01116, in the U.S. District Court for the District of Columbia.

--Editing by Lakshna Mehta.