

**14-1406 NEBRASKA V. PARKER**

DECISION BELOW: 774 F.3d 1166

LOWER COURT CASE NUMBER: 14-1642

QUESTION PRESENTED:

In *Solem v. Bartlett*, the Court articulated a three-part analysis designed to evaluate whether a surplus land act may have resulted in a diminishment of a federal Indian reservation. *See* 465 U.S. 463, 470-72 (1984). The Court found that the "statutory language used to open the Indian lands," "events surrounding the passage of a surplus land Act," and "events that occurred after the passage of a surplus land Act" are all relevant to determining whether diminishment has occurred.

The questions presented by the petition are:

1. Whether ambiguous evidence concerning the first two *Solem* factors necessarily forecloses any possibility that diminishment could be found on a *de facto* basis.
2. Whether the original boundaries of the Omaha Indian Reservation were diminished following passage of the Act of August 7, 1882.

CERT. GRANTED 10/1/2015