

25-5562

• Case number

ORIGINAL

UNITED STATES SUPREME COURT

BRIAN D. DUBUC,

VS

FIRST NATIONAL BANK & TRUST et al

FILED
MAY 19 2025

OFFICE OF THE CLERK
SUPREME COURT, U.S.

PETITION FOR CERTORARI

**TO THE SUPREME COURT OF OKLAHOMA
DISTRICT COURT OF OKMULGEE COUNTY OKLAHOMA WITHIN THE
CREEK-CHEROKEE NATION RESERVATION IN CAUSE NUMBERS**

SC-14-597 CV-19-34

OKLAHOMA SUPREME COURT NUMBER #121331

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NOTICE THAT UNITED STATES INTREST MAY APPLY

QUESTION PRESENTED

- 1) Whether Registered members of Cherokee Nation in Indian Territory were Deprived of lands, business, rights , and equity's without due process, equal protection, meaningful Adequate Appeal of right by Impartial courts of Oklahoma and the United states secured under the Treaties 1833-1846 Oklahoma Constitution Article1 § 3 US Const Art. I, § 8, Art. VI, cl. 2 , Contrary to Haines VS Kerner 404 U.S. 519, 520 (1972)
- 2) Whether in reservation lands lost in Allotment period recovered by lawful title by a registered member is preempted and trusted by law from State Action under treaty (Aug. 6, 1846. 9 Stat., 871. Ratified Aug. 8. 1846. Proclaimed Aug. 17, 1846).federal statue (S. Doc. No. 33, 55th Cong., 3rd Sess. (1898)), 25 C.F.R. 151.2(d), 25 CFR § 151.11(a)(2)(b)
- 3) Whether it is Per se a Deprivation of due process and a effort to defeat US Jurisdiction on Appeal to deliberately conduct proceedings that do alter amend open make new findings reformations and refuse to vacate while the right of Direct Appeal from States highest court to the US Supreme Court under 28 U.S.C. § 1257(a) and Article III § 1 & 3 is in its review process

LIST OF PARTIES

Okm. DC Okla. SC-14-597 Merged to CV-19-34 Okla. S. Ct #121,331.

Karen A. Townsend
Donna M. Shatto
Brian D. Dubuc , appellant
Plaintiffs and /or Appellant

First National Bank & Trust
Mabrey Bank
Linda D. Prichard
Charley Arnold
APRIL & Eugene Whitaker Husband /wife
Karen A. Townsend
Donna M. Shatto
Defendant Respondents

Joseph Gallagher defendant/counter claimant/appellee

MANDAMUS ACTIONS

Honorable Douglas A. Kirkley Okla. S. Ct
Honorable Pandee Remeriz
Honorable Cynthia D. Pickering

CORP RATE DISCLOSURE STATEMENT

Pursuant to Supreme Court Rule 29.6, Applicant Brian D. Dubuc dba histories
antiques & collectables historiesantiques.com. Discloses it is not a Corporation
is a full time resident of Scott co. waldron Ark. Sole proprietor of Oklahoma
License with state and is a registered member with Cherokee Nation and
further the following. There is no parent or publicly held company owning 0
-10% or more of Applicant's Stock

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LIST OF PROCEEDINGS

Brian D Dubuc VS FNB & TRUST Et Al. 2nd Appeal after trial (#121,331)
Okmulgee Okla. District Court (CV-19-34) (SC-14-597)(UN-consolidated for trial)
Affirmed August 16th ,2024 ,Reh. Den. September 5th ,2024, Req. Stay denied
September 9th ,2024 Cert. Den. February 24th 2025 Mandate Stayed and
Suspended April 2nd 2025.

District Court of Okmulgee County State of Oklahoma

NO; CV-2019-34 /SC-14-597UN-consolidated for Trial

Final judgement entered May 10th ,2024

Quite Title, Mortgage Foreclosure, From Replevin

Mandamus Oklahoma Supreme Court

First Sought No. MA-119254 Dubuc vs Kirkley et al Granted January 25th 2021
Second KIRLEY II et. al. No. MA-119737 Prohibition and Mandamus denied
September 13th 2021 and

In the Supreme Court of the United States

BRIAN D. DUBUC,

Petitioner,

v.

FIRST NATIONAL BANK & TRUST et al

Respondent.

ON

PETITION FOR CERTORARI

TO THE SUPREME COURT OF OKLAHOMA

DISTRICT COURT OF OKMULGEE COUNTY OKLAHOMA WITHIN THE

INDIAN OKLAHOMA TERRITORY

CREEK-CHEROKEE NATION RESERVATION

PETITION FOR A WRIT OF CERTIORARI

OPINIONS BELOW

The opinion of the Oklahoma Supreme Court denying Certiorari was issued February 24th, 2025. Mandate issued March 20th, 2025 stayed April 2nd, 2025.

The Conflicting Opinions of the two Court of Civil Appeals Issued before and after trial are included in Appendix Denied Re-hearing en banc both panels September 10th, 2024 ,Certiorari February 24th, 2025.

App.EX A pg 1-22

JURISDICTION

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a) This Petition being Filed within (90) Days of the Court of Last Resort March 19th ,2025. Stay Sought in trial court, refused by Civ. Appeal panels Divisions En Banc Sept, 10th 2024, Certiorari denied. February 24th 2025. Mandate issued March 20th ,2025 Stayed April 2nd, 2025. This Matter also Arises under the US constitution Article I § 8, Art. VI, cl. 2 , treaty (Aug. 6, 1846. 9 Stat., 871. Ratified Aug. 8. 1846. Proclaimed Aug. 17, 1846).

STATUTORY PROVISIONS INVOLVED

US Const Art. I, § 8

The Congress shall have powerTo regulate commerce with foreign nations, and among the several states, and with the Indian tribes;

Article III § 1 The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

§ 3 The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;—

Art. VI § cl. 2 This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

Cherokee treaty (Aug. 6, 1846. 9 Stat., 871. Ratified Aug. 8. 1846. Proclaimed Aug. 17, 1846). Washington & New Echota

federal statute (S. Doc. No. 33, 55th Cong., 3rd Sess. (1898) 25 C.F.R. 151.2(d),

25 CFR § 151.11(a) The Secretary shall consider the criteria in this section when evaluating requests for the acquisition of land in trust status when the land is located outside of and noncontiguous to an Indian reservation:

(2) If the applicant is an individual Indian and the land is already held in trust or restricted status, the need for additional land, the amount of trust or restricted land already owned by or for that individual, and the degree to which the individual needs assistance in handling their affairs;

(b) The Secretary shall give great weight to acquiring land that serves any of the following purposes, in accordance with § 151.3:

- (1) Furthers Tribal interests by establishing a Tribal land base or protects Tribal homelands;
- (2) Protects sacred sites or cultural resources and practices;
- (3) Establishes or maintains conservation or environmental mitigation areas;
- (4) Consolidates land ownership;
- (5) Reduces checkerboarding;

STATUTORY PROVISIONS INVOLVED - Continued

- (6) Acquires land lost through allotment;
- (7) Protects treaty or subsistence rights; or
- (8) Facilitates Tribal self-determination, economic development, or Indian housing.

Oklahoma Constitution Article 1 § 3Unappropriated public lands - Indian lands - Jurisdiction of United States.

The people inhabiting the State do agree and declare that they forever disclaim all right and title in or to any unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits *owned or held by any Indian, tribe, or nation*; and that *until the title to any such public land shall have been extinguished by the United States*, the same shall be and remain subject to the jurisdiction, disposal, and control of the United States. Land belonging to citizens of the United States residing without the limits of the State shall never be taxed at a higher rate than the land belonging to residents thereof. No taxes shall be imposed by the State on lands or property belonging to or which may hereafter be purchased by the United States or reserved for its use.

68 OK Stat § 68-1907 (1996)-(2020)

No *mortgage of real property shall be recorded by any county clerk unless there shall be paid the tax imposed by and as in this article provided*. No mortgage of real property which is subject to the taxes levied by this article shall be released, discharged of record or received in evidence in any action or proceeding, nor shall any agreement extending any such mortgage be recorded unless the taxes levied thereon by this article shall have been paid as provided in this article. No judgment or final order in any action or proceeding shall be made for the foreclosure or enforcement of any mortgage which is subject to the taxes levied by this article or of any debt or obligation secured by or which secures any such mortgage unless the taxes levied by this article shall have been paid as provided in this article.

Added by Laws 1965, c. 31, § 2. Amended by Laws 1996, c. 100, § 2, eff. July 1, 1996

• A statement of the facts of your case.

Applicant as his Heirs are registered members Granted guardianship Under ICWA in the Cherokee Nation within the State of Oklahoma JD-06-220 (Tulsa Co. OK.).(Certified doc filed under seal with clerk all counsel have un-redacted version) Indicates Dubuc and Shatto by State record and Judicial finding are registered members of the Cherokee nation.

Applicant and Heirs through there efforts in Commerce, sweat equity's, financial , Investments , and re-Investments as a group of Registered members. Acquired full and Complete Title , With Commercial HWY Advertising rights within the Indian Territory Reservation of the Creek - Cherokee Five Civilized tribes In Okmulgee Oklahoma Town of Henryetta.(Attached to petition and Appendix EX J)pgs23-37

This is previously lost property's of tribe. The Property's were Acquired originally on a Contract for deed. Home and Advertising rights-of-way (From contract to FNB & TRUST Bank Mortgage 2012 Paid off) Deed of Bank Recorded. Okm land BOOK 2062 pg 255-261 December 19th, 2012.

March 17th , 2019 Alodial (App J). Pg 26-37 @ 28

FNB President Estes and Chief Loan Officer Machetta according to the Testimony of Linda Prichard SC-14-597/CV-19-34 Ok. S. Ct. No:121331 (Okm. Co. DC Okla,) was Advised *Each time she paid a Rent payment she was Actually Buying* Applicant a 10 Acre Track and a Travel Trailer and could not just Apply to buy Home in a Bank Loan. (app. EX G pgs 1-35

Shatto with Karen Townsend were approved for purchase and in closing when this Arose and had transferred property to dubuc in connection as down payment with FNB & Trust. (APP. EX J @ EX-A 1-2)

Prichards and Whitaker's Are Blood Kin to the County Officials, under Oath Accused the Trial judge (Pickering) and our bank Attorney Gaither

Appearing as Counsel of Realestate Fraud. (app. EX G pg. 19-23 @ 21 Additionally Explained many private out of court discussions with judge Pickering about the case under Oath. Once in possesion Prichard Sought Criminal Charges (claiming attempted murder- to J. Rameriz then Assist. DA). upon Applicant turning his electric account off as agreed.. ID. Prevented by APS/DHS investigator, Hon. Mrs. Duke thereafter, just defaulted refused to Appear. Prichards at time were rental tenants offered an Opportunity to buy the home on a Option (refused to proceed) or pay on the Home. A promissory with FNB under Mortgage. ID. As a Result of Co-Guardian Shatto a Registered Member of Cherokee Nation. Being Approved For a Loan In Closing By FNB Machetta. The 10 Acres and Travel trailer were Actually fully paid Collateral to the Home purchase as Dubucs Personal Equity Down to Secure the Realestate purchase by Mortgage. Released only on closing prevented.(APP.EX E). Honorable Gaither FNB Attorney Learning of Dubuc and Shatto's Status by secretary of Interior and BIA Award of public record of the Cherokee Nation Allotment Title of the 10 Acre cash purchase during Closing to dubuc.

A Original Allotment of Redbird Smith tribe of Cherokees owned by Applicant used as Collateral. Added Shattos Name in Oklahoma this could result in claim of marriage. It was never a joint purchase.

FNB Gaither Knew the Closing to Shatto and Heirs of the tribe SDD & JTR Would Clear all loans and Liens of Applicant. Transfer Physical housing ,and control over the home and Advertising Rights to the Co-Guardian Shatto and Heirs providing Housing and Commercial Expansion Opportunity for the Group. EX J @ A 1-2

The Deed Executed to bank for closing was filed in the case of record. SC-14-597 unknown by who. Last delivered by Dubuc to FNB Loan Officer

Gail Machetta. EX J @ A 1-2 @2 and Docket August 26th ,2014. SC14597.

This Would have Positioned Applicant to Make a New loan with Arvest Bank over a Commercial Property and Business Owned as Head of Members Group as Trustee of the children's trust.

Terminate the banks Control in any properties Acquired and Owned by the Group. Making them all ready for Annexation to tribal land under the secretary of interior with the tribe.

Applicant Sought Eviction proceeding SC-14-597. Mrs. Pickering Found based on "of counsel" (title Examiner) of FNB & Trust making pro bono appearance for Prichards et al. that the documents constituted a UN- Recorded Mortgage and ordered transferred for Foreclosure and Ejectment. (App EX G).

Parties agreed in court to refund with surrender, and was denied by court leaving the tenants in home to destroy it, under a UN-Recorded promissory note. Pro bono Counsel ,Bank Attorney ,and Title Examiner then Relied on the Findings to prevent the closing to Shatto Dubuc and Townsend Destroying the Title Under the Banks own Mortgage Breaching the Same. (APP. Ex. G) pg. 19-23 @ 21

The Residence with Advertising right of way was surrendered Utterly Destroyed by Prichards & Whitaker's Despite court denying Eviction.

Finding Prichards as Owners. *Finding That Documents Made only for the purpose of and in aide of a Bank loan denied Constituted a Real Estate Sale as Presented by Gaither FNB Attorney for Prichards.* All the parties are patrons of FNB & Trust at that time. Mortgage in force.(EX D,E, G)(J). FNB Bank Attorney Gaither Then Utilized the Courts Findings of Fact as a Basis to Prevent the Shatto Closing Forcing Applicant to Remain on the Loan Applicant was threatened with Foreclosure if all the Vandalism was not Repaired. It Was. EX E ,

The District court Un-Consolidated SC-14-597 with CV-19-34 and held no service existed and could not be used in CV-19-34 by Dubuc but decided to be considered consolidated for Eagan for trial. APP. EX J A Pg 40-43. Despite its Near Year Earlier holding otherwise. No service case Dismissed or Was it actually transferred and tried as Affirmed ? Scheduling order states different. APP. Ex A @ 35 & EX F pg 1-2 and J @EX. A @ 40-43

Now SC-14-597 a Clouded Title (of judicial Creation) *upon the then existing mortgage of first national bank*. The court created sometime before "during Appeal", a order of dismissal. That once Hon. Kirkley self assigned himself relied upon though disregarded by even the justice of Oklahoma supreme court. APP. EX F pg 1-2 EX G pg 40 @1-2 when the case was transferred for years being refused Docketing the new action was filed and served but the released parties could no longer be located. This Dubuc could not Rely upon but egan could ? ID.

The Mortgage Cloud Created attempted to *prevent Dubuc from Obtaining New Loan with his Out of state Bank of Actual Residence In the State of Arkansas prior to his pay off*. The mortgage has a due on sale clause. FNB Attorney Gaither is of record in each decision. App. EX J @ A-32-33 par. 8 The Rights of way Advertising Lot is the Only Corner, Not Owned in the town by FNB. Obstructing every Effort Made by Applicant advancing his Group of Members, felt by having access to our business model as our bankers .

Applicant Changed to Rival Bank Arvest At pay off of which he had been a member Arkansas Division.

Deliberately Leaving *Unreleased Mortgage lien fully paid*, on his home and advertising rights-of-way falsely reporting as a Commercial line of credit Rather Than the Realestate purchase to prevent Credit Reporting.

Gallagher fully advised and aware of the problems being in court and fully aware of the Vandalism wanted to rent after repair and have chance to buy. Gallagher knew dubuc was still paying on the home was under the mortgage and that those terms were just as applicable to him he was a authorized depositor getting receipted by bank teller on video.

There's just no evidence Gallagher did as he said and FNB made those deductions from my personal account balances do not show those deposits and were not received any other way unless hand written receipted and those 3 are undisputed. But bank record that disputes his own testimony under seal of the courts own seized on banking record subpoena in Egans Custody. Impeach the testimony she had presented. Gallagher never performed all as agreed he sued for a refund of more than ever paid, with no regard for the *outlandish costs imposed* on dubuc as ("landlord cost")? Prior to March 13th, 2019. When the bank was still owner of the mortgage and knew he had to comply with the FNB & Trust requirements or like any other be evicted.

Counsel Egan failed to Name FNB or all Others with loans in closing Superior to Gallagher's. "Opposing Dubuc" to effect service. To establish he had rights greater than FNB DuBuc ,Shatto, Townsend , and not unjust enrichment granted Prichard as an Attachment .Okla. S. Ct #118772 (affirmed) , known at time of making contract ,under mortgage. ID. Dubuc took possesion and title ,free of FNB Mortgage 6 days latter March 19th, 2019. Gallagher's suit was against his Lender on said date March 13th, 2019 to establish his claimed title was more superior then the FNB and Those already in court since 2014.

Dubucs Taking of Full title March 19th, 2019 ,Extinguished all unrecorded instruments not of record made, breached, or voided, under FNB & Trust Mortgage. Arising a land status Change to a registered tribe In treaty and

congressional US Interest Arose in checkerboarding elimination.
Absent Service by Gallagher against FNB DuBuc ,Shatto, Townsend ,or Prichards Before March 13th, 2019 and after upon his registered tribe and secretary of interior his failure Making his Claim moot after 5 years of non recording, payment of “ all taxes” , Materialmans costs,to date and unpaid Arrears under mortgage defaults to perform to claim equity.
Applicant believes the manor of the proceedings was Souly designed to commit fraud and evade presumptions the states own constitution would prohibit after March 19th, 2019 without US Or tribal Approval and the US as a Party Joined with at least minimal notice of the circumstances.

REASONS FOR GRANTING THE PETITION

In Aide of the powers vested Souly within said body of the :

The Great fathers Counsel of Elders have given congress recognition to various tribes by The Constitution of the United States, through Treaty, Commerce, Supremacy, and Apportionment Clauses and the **14th Amendment**, recognizes the inherent sovereignty of Indian Tribes and Nations established prior to the United States; and through treaties, statutes, executive orders, and other legal agreements and laws, the United States took on many legal and moral obligations to Indian people in exchange for hundreds of millions of acres of land; and since its founding, the Various Cherokee Nations also comprised of other tribes forced into assimilation has urged the United States government to fulfill treaty obligations and uphold the federal trust responsibility; and

Article 7 of the Cherokee Nation’s 1835 Treaty of New Echota with the United States states, “The Cherokee Nation having already made great progress in civilization and

deeming it important that every proper and laudable inducement should be offered to their people to improve their condition as well as to guard and secure in the most effectual manner the rights guarantied to them in this treaty, and with a view to illustrate the liberal and enlarged policy of the Government of the United States towards the Indians in their removal beyond the territorial limits of the States, language in **Article 7 of the 1835 Treaty of New Echota**, the Cherokee Nation's first treaty with the United States, the **1785 Treaty of Hopewell**, also includes the right to a congressional deputy in **Article 12 and the 1866 Treaty** with the Cherokee Nation, affirms the Cherokee Nation's right to a delegate in **Article 31**.

In 2017, the United States District Court for the District of Columbia ruled that the rights and obligations established under the **1866 treaty** remain in effect for the Cherokee Nation and the United States; Thus Applied to States under the 14th Amend. The Great Fathers Supreme Court consistently upholds the constitutionality of federal laws impacting tribes and tribal members, describing Congress's authority as plenary, or absolute. *See, e.g., Haaland v. Brackeen*, 599 U.S. 255, 275–76 (2023) (reiterating that Congress's authority to legislate with respect to Indians is “well established and broad” and “plenary within its sphere”); *United States v. Lara*, 541 U.S. 193, 200 (2004) (“[T]he Constitution grants Congress broad general powers to legislate in respect to Indian tribes, powers that we have consistently described as ‘plenary and exclusive.’”) (citations omitted). *See, e.g., United States v. Jim*, 786 F.3d 802, 805 n.2 (10th Cir. 2015) (citing *Antelope*, 430 U.S. at 645–47); *United States v. Shavanaux*, 647 F.3d 993, 1001–02 (10th Cir. 2011) (quoting *Antelope*, 430 U.S. at 646).

The Supreme Court continues to cite these cases favorably, recognizing the continued

validity of the underlying principle., *Haaland*, 599 U.S. At 275 (citing *Antelope*, 430 U.S. at 648); *Rice v. Cayetano*, 528 U.S. 495, 519 (2000) (“Congress may fulfill its treaty obligations and its responsibilities to the Indian tribes by enacting legislation dedicated to their circumstances and needs.”) (citing *Antelope*, 430 U.S. at 645–47).

The delegates arrived in Washington February 8, 1828, after traveling by steamboat down the Arkansas River, up the Mississippi River to the Ohio River, then up the Ohio River to Wheeling, West Virginia. From there, the Cherokees traveled by stage over the National Road through Pittsburgh to Washington, where they lodged in the Williamson Hotel. *Hoig, Sequoyah: The Cherokee Genius*, 60.

The primary representatives of the Adams administration with whom the Cherokees negotiated were James Barbour, the secretary of war, and Thomas McKenney, the commissioner of Indian affairs. One of the first issues raised by the delegation was the “acre for acre” promise made by Andrew Jackson during negotiations for the treaties in 1817 and 1819. In those agreements the Cherokees ceded more than 7 million acres and received in exchange less than half that amount. McKenney was sympathetic to their arguments. *Markham* 183.

In a March 18 letter to Barbour, McKenney noted the failure of the federal government to fulfill those treaties: “In regard to the promise made to the Cherokees that Lovely’s Purchase should be reserved, it is all true.” *Markham* 184 McKenney devised a plan, which would include Lovely’s Purchase, that would make good the government’s obligation, but it required the Arkansas Cherokees to leave their Arkansas reservation.

The delegation, of course, did not have the authorization to accept such a

proposal, and as federal officials pressured them to agree to it, *many expressed a desire to leave Washington*. Black Fox told Barbour on March 29 of his comrades' "great anxiety to bring their business to a close, as soon as practicable, that they may return to their homes." Markham 185-186. However, the *delegates had no means of returning home on their own, and government officials held them in Washington to continue discussions*. *Hoig, Sequoyah: The Cherokee Genius*, 61. Carl J. Vipperman, "*Forcibly if We Must: The Georgia Case for Cherokee Removal, 1802-1832*," *Journal of Cherokee Studies*, 3 (Spring 1978) 66-72, Western History Collections, University of Oklahoma. Stan Hoig, *Sequoyah: The Cherokee Genius* (Oklahoma City: Oklahoma Historical Society, 1995) 25; Brown, 473.

Most recently The honorable Gorsuch Dissenting 597 U. S. ____ (2022) in the Case of OKLAHOMA v. CASTRO-HUERTA. Observed and is honored for such truths Said:

In 1906, Congress sought to deliver on its treaty promises when it adopted the Oklahoma Enabling Act. That law paved the way for the new State's admission to the Union.

But in doing so, Congress took care to require Oklahoma to "agree and declare" that it would "forever disclaim all right and title in or to . . . all lands lying within [the State's] limits owned or held by any Indian, tribe, or nation." 34 Stat. 270.

Instead of granting the State some new power to prosecute crimes by or against tribal members, Congress insisted that tribal lands "shall be and remain subject to the jurisdiction, disposal, and control of the United States." Ibid. 25 CFR § 151.11(a) (2) Oklahoma complied with Congress's instructions by adopting both of these commitments verbatim in its Constitution. Art. I, § 3. Un-repealed to date.

By 1968, the federal government came to conclude that, "as a matter of justice and as a matter of enlightened social policy," the "time ha[d] come to break decisively with the past and to create the conditions for a new era in which the Indian future is determined by Indian acts and Indian decisions." Richard M. Nixon, *Special Message on Indian Affairs* (July 8, 1970).

To date, Oklahoma has not amended its state constitutional provisions disclaiming

jurisdiction over tribal lands. Nor has Oklahoma sought or obtained tribal consent to the exercise of its jurisdiction. See *The Honorable E. Kelly Haney*, 22 Okla. Op. Atty. Gen. No. 90-32, 72, 1991 WL 567868, *1 (Mar. 1, 1991) (Haney).

Thus, Oklahoma has remained, in Congress's words, a State "not having jurisdiction over criminal offenses committed by or against Indians in the areas of Indian country situated within" its borders. 25 U. S. C. § 1321(a).

In the decades following statehood, many settlers engaged in schemes to seize Indian lands and mineral rights by subterfuge. See *A. Debo, And Still the Waters Run* 92-125 (1940) (Debo). These schemes resulted in "the bulk of the landed wealth of the Indians" ending up in the hands of the new settlers. See *ibid.*; see also *id.*, at 181-202. State officials and courts were sometimes complicit in the process. See *id.*, at 182-183, 185, 195-196. For years, too, Oklahoma courts asserted the power to hear criminal cases involving Native Americans on lands allotted to and owned by tribal members despite the contrary commands of the Oklahoma Enabling Act and the State's own constitution.

The State only disavowed that practice in 1991, after defeats in state and federal court. See *Haney*, 1991 WL 567868, *1-*3; see also *State v. Klindt*, 782 P. 2d 401, 404 (Okla. Crim. App. 1989); *Ross v. Neff*, 905 F. 2d 1349, 1353 (CA10 1990).

THE PRESANT CASE

Demonstrates that the courts of some county's in Oklahoma have abused both civil and criminal power over individual members , heirs,, tribes , lands ,the Nation and sanctioned by the states highest courts to have been tacitly approved or permitted practices by such lower courts towards individual Members lands as to call for the Exercise of Extraordinary remedy's for the Extraordinary Injury's being Imposed delayed and denied when plain legal duty is otherwise directed to be performed. Art. 1 § 3 Ok. Art.1 § 8 US.

The Oklahoma Constitution Art. 1 § 3 Denounces all jurisdiction of its courts over lands owned by registered members of recognized tribes. Applicant his Co-guardian Shatto , JTR , SDD , McCaslin are registered Cherokee , and RJM 2nd (Latino and Cherokee).

The group of members here are the bona fide buyers , investors , Equity done and of Record according to law.68 OSA § 1907 and 16 OSA §11A No Other claimant has that Status. Asserted only in Injury of the Applicant as Others.

Effectuated by such Actions upon their estates in fee previously lost by tribes .
No claims breached , time Barred, and statutorily foreclosed can give rise to any action when barred as here by 68 OSA § 1907 and Oklahoma Constitution Art. 1 § 3.
Constituting the plain legal right to the relief sought as a matter of the states own Laws. Otherwise absence of venue and jurisdiction must yield to the Secretary of interior and transfer to tribal or US District Court Jurisdiction.

where all plaintiffs and defendants are diverse. But has been refused.
The Court lacks a Detached Judicial Official to hear said Cause. Applicants lands Re-acquired by lawful process have more than just an inherent market value sought divested Unlawfully under the states own laws.
But are original Reservation lands lost in allotment period within the Original Indian Territory *and of greater value to the tribe , its members , and heirs.*
25 CFR 151.11(a)(2)(b)1-8 Applicant believes this Places the Subject Solely within the province of the Secretary of Interior and the tribe and not a Constitutionally Restrained judicial system of Oklahoma.
which by history and present Actions directly Exhibit a willingness to contravene the Treaty's, U.S. Const. Article III power of the United States. Willingly and Abusively .
Here the Abusive Exercise of absent Jurisdiction Divested as a Matter of the states own Constitution and laws and Thereby deprives applicant under the Fourteenth Amendment. Counterclaim is Barred by state law.
The Equal Protection of the states and United States laws and constitutions while ignoring the treaty's made thereby the great father to the Cherokee People , members , their Heirs and their lands .
In absence of any indication that Congress intended the diversity statute to limit the jurisdiction of the tribal courts. The Court if asked Should decline invitations to hold that tribal sovereignty can be impaired in this fashion. Eagan Explained the trial courts Agreed Understandings EX G TR.

It concerns a tribe's authority to control events that occur upon the tribe's own land. See United States v. Mazurie, 419 U.S. 544, 557 (1975) ("Indian tribes are unique aggregations possessing attributes of sovereignty over both their members and *their territory*" (emphasis added)); see also, e.g., S. Rep. No. 102-168, at 21 (remarks of P. Hugen). And the tribes' possession of this additional criminal jurisdiction is consistent with our traditional understanding of the tribes' status as "domestic dependent nations." Cherokee Nation v. Georgia, 5 Pet. 1, 17 (1831)

In Strate v. A-1 Contractors, 520 U.S. 438, 453 (1997), however, we assumed that "where tribes possess authority to regulate the activities of nonmembers, **civil jurisdiction over disputes arising out of such activities presumably lies in the tribal courts**," without distinguishing between nonmember plaintiffs and nonmember defendants. See also Iowa Mut. Ins. Co. v. LaPlante, 480 U.S. 9, 18 (1987).

In Montana v. United States, 450 U.S. 544, 101 S. Ct. 1245 (1981) *Montana* recognized an exception to this rule for tribal regulation of "the activities of nonmembers who enter consensual relationships with the tribe or its members, through commercial dealing, contracts, leases, or other arrangements." 450 U.S., at 565.

That authority can only extend to land on which the Tribe exercises "absolute and undisturbed use and occupation". Reserved lands and state jurisdiction cannot attach without written authorization and consent of the tribes interest in eliminating checkerboarding and recovers lands previously lost by its registered members. Puyallup Tribe v. Washington Game Dept., 433 U.S. 165, 97 S.Ct. 2616, 53 L.Ed.2d 667. **25 CFR 151.11(a)(2)(b) 1-8 That Jurisdiction Arose May 17th, 2019 by bank deed.**

Applicant suggests by taking lawful title as a member and group of registered members of recognized tribe in reservation of prior lost land ,and dispossession in the Indian Oklahoma territory That the Secretary of the Interior has **the first right of the lands status to determine because of the recovery by a registered member in fee but in reservation Oklahoma Indian Territory.** **25 CFR 151.11(a)(2)(b) 1-8** and should *only be tried before a tribal or US district Court. as members and heirs engaged in commerce within there reserved lands once lawfully acquired restores its*

former status at time of lawful possession under color of title and is protected from State Jurisdiction. The Findings for court of Egan Made Are untrue. Congress left little room to misread or Miss-understand 25 CFR 151.11(a)(2) (b)1-8 and must be considered first by the secretary of interior and the tribal court to determine venue and jurisdiction in the first instance.

Because Oklahoma has a history of disregarding its own constitution , laws, and the Treaty's of the united states and lands reserved for powers of congress. Intended to restrict states exercise of Authority in Areas strictly reserved only to the congress and Executive Authority of the United States Regarding tribes , its members , and those adopted by them .and are of Heir to there self sufficiency determination as a dependent Nation.

The Treaty's and laws also covered the rights of commerce and the recognition of the history of native tribes being taken advantage of by individual and groups of settlers contrary to 18 U.S.C. § 1165, Recent Decisions dating back to the earliest years of the court itself. Strate , Iowa Mut. Ins. Co. , Montana (supra)

The truth and record in this pro se case demonstrate the same has been treated differently than the states own constitution ,laws ,and decisions history when presented by Attorneys. The judges evince a disdain and times complete intolerance of such defense of ones own interests it has proven unable to retain or keep retained counsel.

Counsel quit on the basis he could not justify the hours that were imposed upon the case. The colonists or settlers of the town and officials of its county's and banks through its attorneys wish to avoid the registered member groups membership subject matter.

Trial Court Seek a Standard that holds known former accused highly controversial law library clerk of the prison as if he is an attorney. but every strive he makes to likewise be treated with the same dignity and responsibility is met with an instruction that inhibits fulfillment of the same and which only accepts the licensed attorney view and commands silence in opposition, grants exception to attorneys preferred process, irrespective of the rules. Under threats of contempt Abuse.

While at the same time applying the rules capriciously and arbitrarily to thwart

and drive up costs of the litigation create delays as make the case about convenience of attorneys and not administration of law and rules as written. The demonstration is shown in looking at Okmulgee County SC-14-597 and SC-19-609 both before the same Honorable Cynthia D. Pickering. 14-597 holds that when a rental tenant seeks a loan even where denied by the bank Creates a Mortgage in the meaning of Okla. 16 OSA 11A and 68 OSA 1907, and that the same creates of its own force a first in right first in time. APP. E Transcript.

Despite Townsend Shatto being Bona Fide Buyers for Value approved and in closing are foreclosed purchase right by the decision . Title Opinion of FNB & TRUST Attorney Luke Gaither , Gaither law LLC. The Appearing counsel delivering bank documents to the court without summons subpoena or request of any party on behalf of prichards ,Whitaker , Arnold et. al. The title opinion is written one day prior to the order being filed of record and released.

[I]f the documents are tax paid and properly recorded in full in real time and no longer then the length of the limitations on such an action Applicant would agree but that is not the facts of these cases. Where the Opposite in Correct paid formation as described in Okla. 16 OSA 11A and 68 OSA 1907. obtained the opposite result. As applied to applicant both contrary to its own law.

That is rejected as the rule of law same court in SC-19-609 and Exercised a complete proceeding in absence of all jurisdiction as found without factual or legal basis in fact or law. Vacating remanded directing process issue Okla. S. Ct. #118,448 Cited in comparison to Current matter before same judge Same facts. Honorable Gaither as his banks title examiner asto two purchases is fully aware Applicants personal affairs Evaluating titles purchased. Such as Indian Allotment 10 acres. But Appears in Each cause on and off record.

The Pickering affirmance in 118,772 that *said court lacked such jurisdiction and the Supreme courts affirmance as a proper candidate for foreclosure ,ejectment ,and quite title. The #121,331 directly contradicts #118,772.*

Honorable Kirkley On Self Assignment recast SC-14-597 as a small claims action overruling the Pickering affirmance and law of the case for near a decade. Excluded the seized bank records proving the defendant Gallagher was

being untruthful about claimed deposits in bank account seized by defendant counsel on subpoena and held under protective order just for admission on trial and when the bank records impeached counsels case became excluded. Refusing Service notice on all persons.(APP. EX D pg 1-2).

The Court Accused Dubuc of lieing and was forced to concede different and counsel to Admit that it was truth and *produce said Authentic Seized records* with chain of custody only to be excluded all together from the record. (APP. I Pages 47-51 @ 50 TR. Tr. May 4th,2023).

Applicants denial of jury trial in CV-19-34 /14-597 breach of promissory note, damages ,from intentional vandalism, waste, and breach of Contracts damages , the sole counterclaim is barred as a void unrecorded claim to seek damages in a foreclosure on breach of contract and is a deprivation of the U.S. Const. Seventh Amendment, and implicates US Jurisdiction and was not triable in state court involving tribe members land in Indian Oklahoma Territory reservation lands. DAIRY QUEEN, INC. vs Hon. Harold K. WOOD, Judge, et al. 369 U.S. 469, 82 S.Ct. 894, 8 L.Ed.2d 44 (April 30, 1962) Lytle v. Household Mfg., Inc., 494 U.S. 545 (1990).

CONCLUSION AND PRAYER FOR RELIEF

Applicant Believes

(c) a state court or a United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court.

Further that the constitutions and laws of both the united states and in this case the state Deny's the exercise of any discretion by these courts in these matters with or without an attorney. That the Judges therein are or should be bound thereby the constitutions treaty's and there own laws.

However here refuse to comply with there own Supreme courts directives and have left Applicant with no other place to go but to this court under which jurisdiction vested from the Onset and has in good faith exhausted all other resources before coming here and hereby requests the court Grant Certiorari

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and also Award Mandamus compelling the enforcement of the treaty's constitutions and states own laws even in the absence as here Where the ability to hire or keep hired an attorney under prolonged delay is preventing justice.

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antiquesandcollectablesitis@outlook.com~~

VERIFICATION AND MAILING

I Brian D Dubuc Applicant herein for Certiorari and do declare certify, verify, and state ,under penalty of perjury that the foregoing , First Executed on May 19th ,2025 and served. Was requested further corrections to Separated petition July 16th , and 31st 2025. Now corrected and is being service by first class postage prepaid to each party or attorney who has appeared for said party pro bono officially or unofficially with regard to all matter before the courts Below as now This ~~27~~¹⁴ day of August 2025 submitted in each said court in CV-19-34 / SC-14-597 Clerks have been advised not to add " other Courts filings" to there files.

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Governor State of Oklahoma
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Solicitor General of the United States,
Room 5616, Department of Justice,
950 Pennsylvania Ave., N. W.,
Washington, DC 20530-0001

(iv)

Respectfully Submitted

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"I Brian D Dubuc The Applicant herein for mandamus do declare certify, verify, and state ,under penalty of perjury that the foregoing Documents are true Exact Copies as those found in there respective courts and is true and correct copy of same. Executed on July 9th ,2025 .

Further that service by first class postage prepaid was made to each party or attorney who has appeared for said party pro bono officially or unofficially with regard to all matter before the courts Below as now This 9th , day of July 2025 and filed of record in each said court #118,448 ,CV-21-129 ,SC-19-609 Served on all Counsel non default parties and interested party's

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HONORABLE JUDGES PICKERING REMERIZ REHEARD KIRKLEY
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Okmulgee Oklahoma 74447

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Oklahoma Attorney general 313 NE 21st Street Oklahoma City, OK 73105
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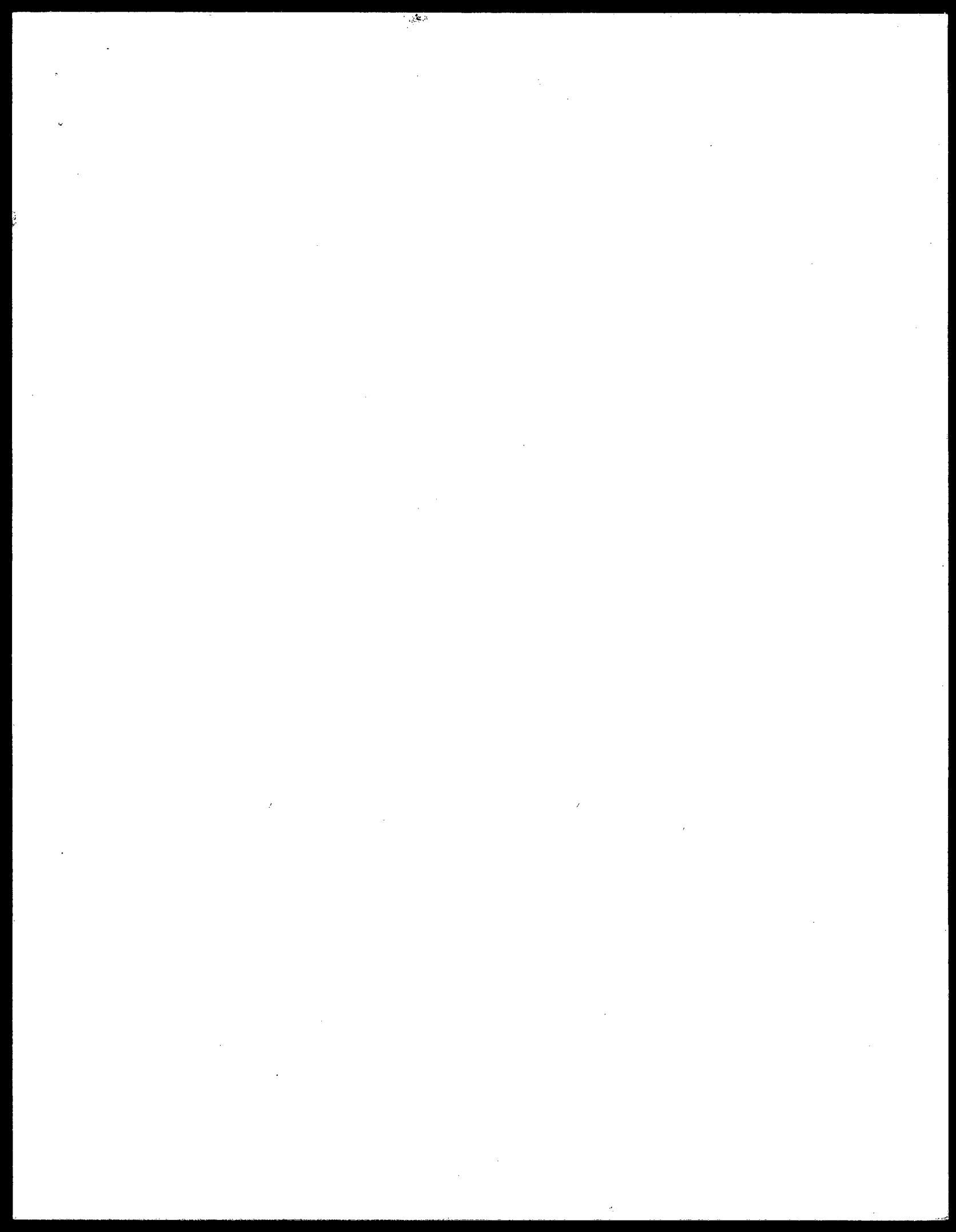
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Copies Filed #121,331 as Directed to the Oklahoma Supreme Court

In The

District Court of Okmulgee County in Each Above listed Case
Served Upon John F. Heil III at US District Court Northern District of
Oklahoma



• Case number

UNITED STATES SUPREME COURT

BRIAN D. DUBUC,

VS

FIRST NATIONAL BANK & TRUST et al

PETITION FOR CERTORARI

TO THE SUPREME COURT OF OKLAHOMA
DISTRICT COURT OF OKMULGEE COUNTY OKLAHOMA WITHIN THE
CREEK-CHEROKEE NATION RESERVATION IN CAUSE NUMBERS

SC-14-597 CV-19-34

OKLAHOMA SUPREME COURT NUMBER #121331

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PETITIONER

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NOTICE THAT UNITED STATES INTREST MAY APPLY

jurisdiction over tribal lands. Nor has Oklahoma sought or obtained tribal consent to the exercise of its jurisdiction. See The Honorable E. Kelly Haney, 22 Okla. Op. Atty. Gen. No. 90-32, 72, 1991 WL 567868, *1 (Mar. 1, 1991) (Haney).

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The Pickering affirmance in 118,772 that *said court lacked such jurisdiction and the Supreme courts affirmance as a proper candidate for foreclosure ,ejectment ,and quite title. The #121,331 directly contradicts #118,772.*

Honorable Kirkley On Self Assignment recast SC-14-597 as a small claims action overruling the Pickering affirmance and law of the case for near a decade. Excluded the seized bank records proving the defendant Gallagher was

being untruthful about claimed deposits in bank account seized by defendant counsel on subpoena and held under protective order just for admission on trial and when the bank records impeached counsels case became excluded. Refusing Service notice on all persons.(APP. EX D pg 1-2).

The Court Accused Dubuc of lieing and was forced to concede different and counsel to Admit that it was truth and *produce said Authentic Seized records* with chain of custody only to be excluded all together from the record. (APP. I Pages 47-51 @ 50 TR. Tr. May 4th,2023).

Applicants denial of jury trial in CV-19-34 /14-597 breach of promissory note, damages ,from intentional vandalism, waste, and breach of Contracts damages , the sole counterclaim is barred as a void unrecorded claim to seek damages in a foreclosure on breach of contract and is a deprivation of the U.S. Const. Seventh Amendment, and implicates US Jurisdiction and was not triable in state court involving tribe members land in Indian Oklahoma Territory reservation lands. DAIRY QUEEN, INC. vs Hon. Harold K. WOOD, Judge, et al. 369 U.S. 469, 82 S.Ct. 894, 8 L.Ed.2d 44 (April 30, 1962) Lytle v. Household Mfg., Inc., 494 U.S. 545 (1990).

CONCLUSION AND PRAYER FOR RELIEF

Applicant Believes

(c) a state court or a United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court.

Further that the constitutions and laws of both the united states and in this case the state Deny's the exercise of any discretion by these courts in these matters with or without an attorney. That the Judges therein are or should be bound thereby the constitutions treaty's and there own laws.

However here refuse to comply with there own Supreme courts directives and have left Applicant with no other place to go but to this court under which jurisdiction vested from the Onset and has in good faith exhausted all other resources before coming here and hereby requests the court Grant Certiorari

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and also Award Mandamus compelling the enforcement of the treaty's constitutions and states own laws even in the absence as here Where the ability to hire or keep hired an attorney under prolonged delay is preventing justice.

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VERIFICATION AND MAILING

I Brian D Dubuc Applicant herein for Certiorari and do declare certify, verify, and state ,under penalty of perjury that the foregoing , First Executed on May 19th ,2025 and served. Was requested further corrections to Separated petition July 16th , and 31st 2025. Now corrected and is being service by first class postage prepaid to each party or attorney who has appeared for said party pro bono officially or unofficially with regard to all matter before the courts Below as now This ~~27th~~ day of August 2025 submitted in each said court in CV-19-34 / SC-14-597 Clerks have been advised not to add "other Courts filings" to there files.

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(iv)

Respectfully Submitted

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VERIFICATION AND MAILING

"I Brian D Dubuc The Applicant herein for mandamus do declare certify, verify, and state ,under penalty of perjury that the foregoing Documents are true Exact Copies as those found in there respective courts and is true and correct copy of same. Executed on July 9th ,2025 .

Further that service by first class postage prepaid was made to each party or attorney who has appeared for said party pro bono officially or unofficially with regard to all matter before the courts Below as now This 9th , day of July 2025 and filed of record in each said court #118,448 ,CV-21-129 ,SC-19-609 Served on all Counsel non default parties and interested party's

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VERIFICATION AND MAILING

"I Brian D Dubuc The Applicant herein for Certiorari and mandamus and do declare certify, verify, and state ,under penalty of perjury that the foregoing Documents are true Exact Copies as those found in there respective courts and is is true and correct. Executed on May 19th ,2025 .

Further that service by first class postage prepaid was made to each party or attorney who has appeared for said party pro bono officially or unofficially with regard to all matter before the courts Below as now This 19th , day of May 2025 and filed of record in each said court and Oklahoma S. Ct. #121.331 ,#118,772,CV-19-34/SC-14-597 and #118,448 ,CV-21-129 ,SC-19-609 Served on all Counsel non default parties and interested party's

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Copies Filed #121,331 as Directed to the Oklahoma Supreme Court
In The
District Court of Okmulgee County in Each Above listed Case
Served Upon John F. Heil III at US District Court Northern District of
Oklahoma