26-5960

No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FILED
OCT 06 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

GERALD W. DOXTATOR

— PETITIONER

vs.

LIZZIE TEGELS, WARDEN,

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS -SEVENTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

GERALD W. DOXTATOR

(Your Name)

1026 W. ELSIE ST.

(Address)

APPLETON, WI 54914

(City, State, Zip Code)

(920) 572-9205

(Phone Number)

Case No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

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|---|---|---|
| GERALD W. DOXTATOR, | ) | PETITION FOR WRIT |
| Petitioner, | ) | OF CERTIORARI |
| v. | ) | Case No. _____ |
| LIZZIE TEGELS, Warden, | ) | L.C. No. 25-1997 |
| Respondent. | ) | |

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ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS - SEVENTH CIRCUIT

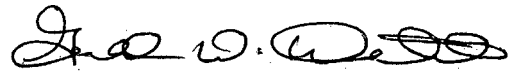
CASE NO. 25-1997

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**PETITION FOR A WRIT OF CERTIORARI**

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Dated: 10/6/26



GERALD W. DOXTATOR
1026 Elsie Street, West
Appleton, WI 54914

## QUESTIONS PRESENTED:

(1) Whether 18 U.S.C. §1162 / Public Law 280 is in Ambiguously Unconstitutional invalid conflict with 18 U.S.C. §1153 and the 1838 Oneida Treaty, severing State of Wisconsin Jurisdiction and invalidating Petitioner's 8/5/05 conviction and sentence.

(2) Does the 1954, 18 U.S.C. §1162 / Public Law 280 Menominee Reservation Exemption apply to Petitioner and invalidate his 8/5/05 conviction and sentence.

## LIST OF PARTIES

All of the Parties to the Proceedings are listed on the cover of the Brief; with new deference to Solicitor General of the United States.

Solicitor General Rm 5616

950 Pennsylvania Ave

Washington D.C. 20530-0001

Troy Enger

Dept. of Corrections

P.O. Box 7925

Madison, WI 53707-7925

**RELATED CASES:**

Case No. 2003CF234, OUTAGAMIE County, WI Circuit Court

Case No. 2022AP148, WI Court of Appeals District III

Case No. 2024CV306-wmc, Federal Western District Court of WI

Case No. 25-1997, 7th Federal Court of Appeals

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## STATEMENT ON JURISDICTION

The judgment of the court of appeals Affirming Case No. 2024-cv-306-wmc was entered on July 24, 2026 This Court's jurisdiction rests on 28 U.S.C.A. § 2254(a); 28 U.S.C. § 1254(1); 28 U.S.C. § 1257(a).

## STATEMENT OF THE CASE

On 8/5/2005 Petitioner was convicted of a single felony count of §948.025(1) in the Outagamie County Circuit Court, and sentenced to thirty (30) years; bifurcated as twenty (20) years of initial confinement and then (10) years of extended supervision. On 3/5/2010 Petitioner filed a §782 Knight Petition for ineff. assist. of appellate Counsel, which was denied after fact-finding.

On or around 5/11/2021 thru 6/2/2021 Petitioner mailed/filed and then amended his

Habeas Corpus §2254 Petition. On 7/22/2021 the circuit court conducted a hearing and issued an oral decision denying the Petition. On 8/2/2021 Pet. filed, and then 8/11/2021 Amended a Motion for Reconsideration, which was Amended again on 8/18/2021.

Petitioner, having not received a Response from the Court, filed a 12/20/21 Motion with the Court requesting a Hearing on the Reconsideration Motion. The Court then scheduled and conducted that Hearing on 1/26/22, where it orally Denied the Motion. (R.52; R.153). The Court's 12/20/21 Hearing Notice tolled the time for Pet. to file his Notice of Appeal. (R.45).

Petitioner filed a 1/31/22 Notice of Appeal of the 7/27/21 Decision, a 2/3/22 Notice of Appeal of the 1/27/22 Decision, and then an Amended Notice of Appeal combining them both, within the 90 day time limit from the 1/27/22 Order. The Court of Appeals Denied Pet. on 1/23/24. Surreptitiously Pet. was Denied Supervisory Writ on 2/8/24. Petitioner was Denied Review on 4/16/24. Petitioner filed for Habeas Corpus Relief in the Federal Court via §2254 (Case No. 2024-cv-306-wmc), which was Denied. His Appeal to the 7th Circuit (Case No. 25-1997) was Summarily Denied on 8/4/26.

## REASONS RELIED ON FOR ALLOWANCE OF WRIT

Pursuant to Rule 10, herein the 7th Circuit Court of Appeals has decided via by-pass avoidance, an important question of Federal Constitutional Law, which has not been, but should be decided/settled by this Court due to the National implications. Treaties of the United States, 18 U.S.C. §1162 / Public Law 280, and 18 U.S.C. §1153 are within the unique purview of this Court and may only be deemed in Ambiguous Unconstitutional conflict ultimately by the power therein.

## INTRODUCTION

Herein Petitioner ("Pet.") presents real and significant questions of U.S. Constitutional Law with National significance as to whether the State of Wisconsin ("WI") had valid Jurisdiction to prosecute and convict him of a "major crime" upon another Indian in "Indian Country" within the boundaries of WI. Petitioner contends such perceived Jurisdiction is severed and invalid. All

Court's have by-passed Pet.'s actual claims altogether, thereby denying him fair adjudication on the merits, and warrant de Novo review. **Warren v. Baenen**, 712 F.3d 1090,1098 (7th Cir. 2013); **Cone v. Bell**, 556 U.S. 449,472, 129 S.Ct. 1769, 173 L.Ed.2d 701 (2009).

Due to the complex nature of the legal questions at hand, Petitioner Moves the Court for appointment of sufficient Counsel to represent him in this matter before this Supreme Court.

The 5/14/25 District Court Decision erred by resting on an unraised procedural ruling of untimeliness in violation of Article III of the U.S. Constitution, relying on a post-hoc claim that Doxtator waited too long to take action. This procedural bar, first applied in that 5/14/25 Decision, had never been asserted by the State or any lower Court, and ignores 28 U.S.C. §2244(d)(1).

Until **McGirt v. Oklahoma**, 140 S.Ct. 2452 (2020), Petitioner did not have clear standing to assert his current claims. The **McGirt** ruling, in concert with **Shinn v. Ramirez**, 142 S.Ct. 1718 (2022), supported by **Garcia v. Cromwell**, 28 F.4th 764,774 (2022) provided Petitioner the new fact he needed to act with his §2254 Hab. Corpus filing. (Case No. 2024-cv-306-wmc Dkt.#1-3).

Federal Law 28 U.S.C. §2244(d)(1) provided that "the date on which the Constitutional right asserted was initially recognized by the Supreme Court" is another mechanism to measure timeliness. Instead, the District Court relied on **Sanders v. Pettigrew**, No. 20-cv-350, 2021 WL 3291792, at 5 (E.D. Okla. Aug. 2, 2021).

This reliance was problematic and in error because Doxtator is vastly distinguishable from Sanders. It was Sanders 2nd §2254 while this was Doxtator's first; Sanders was partly denied because what he raised in his 2nd §2254 he could have raised in his first; Sanders was denied on the merits while Doxtator's claim(s) merits have never been addressed by any Higher Court; and importantly, Sanders failed to provide proof or evidence that he is actually an Indian and that his crime occurred within the boundaries of a reservation, while Doxtator did both. Relying on **Sanders** to deny Petitioner was clear error by the District Court.

Meanwhile, it was in **McGirt** where for the first time this U.S. S.Ct. broke new ground and for the first time presented a new rule which recognized the implications of Fed. Indian Reservation

Jurisdiction rights, and consent required to convey Jurisdiction to States; and those issue implications upon Petitioner's now asserted Constitutional rights. It was **McGirt** that illuminated consent of the Tribe as a requisite to proper conveyance of Jurisdiction and initiated Pet.'s investigation & discovery that the Oneida never consented to Public Law 280 / 18 U.S.C. §1162 in 1954. (25 U.S.C. 18 U.S.C. §1321(a) & 18 U.S.C. §1326).

Therefore **McGirt** provided Petitioner the initial recognition of this new ground he investigated to uncover the new fact that there is no evidence or memorializing documentation that the Oneida consented to the transfer of Jurisdiction via 18 U.S.C. §1162; whereby Pet. invokes 28 U.S.C. §2244(d)(1) and that the District Court's Decision was therefore faulty.

The decisions of the WI and Lower Federal Court's impermissibly by-passed Pet.'s claims challenging Jurisdiction, in violation of his Right to Due Process via the 14th United States Constitution Amendment ("U.S.C.A."), and are in conflict with controlling opinions of the United States ("U.S.") Supreme Court ("S.Ct."), notably: **McGirt v. Oklahoma**, 140 S.Ct. 2452; **South Dakota v. Yankton Sioux**, 118 S.Ct. 789; **Weinberger v. Rossi**, 102 S.Ct. 1510; and **Menominee Tribe v. United States**, 88 S.Ct. 1705.

In essence, Pet. asserts that 18 U.S.C. §1162 / Public Law 280, enacted in 1954, was a Facial and/or Ambiguous Unconstitutional "legal wrong" in conflict with longstanding 18 U.S.C. §1153, violating the 1838 Oneida Treaty & 1936 Oneida Constitution, violating his Right to Due Process via the 14th U.S.C.A. and perpetuated for too long.

## ARGUMENT SUMMARY

Petitioner is/was a duly enrolled member of the Oneida Indian Nation Tribe, residing upon the Oneida/Menominee Reservation in NorthEastern WI. The Oneida are a Federally recognized independent sovereign Indian Nation Tribe with inherent sovereign authority via the U.S. Constitution over which the United States possesses a duty (infra at 7,10) to do no harm. The Oneida Nation entered into Treaty with the United States in 1838 establishing it's Reservation of "Indian Country" as "[t]he Oneida Reservation defined by the 1838 Treaty remains intact, so the

land within the boundaries of the Reservation is Indian Country under 18 U.S.C. §1151(a)." **Oneida Nation v. Village of Hobart**, 968 F.3d 664,689 (2020) final ruling statement.

In 1936 the U.S. Gov't. signed on with its approval of the Oneida Constitution (R.166; R.176-178) via the Bureau of Indian Affairs. The Oneida Reservation derives from land allocated originally from the Menominee Reservation.

Treaty agreement occurs between one sovereign nation (U.S. of America) and another sovereign nation (Oneida Indian Tribe) through exercise of mutual sovereign scope of authority. The U.S. Supreme Court ("S.Ct.") instructs us that effecting Indian Tribes criminal jurisdiction is best practice evidenced by the Tribe consenting to it (25 U.S.C. §1321(ab), to be "clear and plain." **McGirt**, at 2478 (citing **South Dakota v. Yankton Sioux**, 522 U.S. 329, at 343, 118 S.Ct. 789, 139 L.Ed.2d 773). **McGirt** expressly describes jurisdiction as "promised benefits of a federal criminal forum to tribal members." **McGirt**, at 2480. Federal jurisdiction is a provision of the Treaty with the Oneida.

The Major Crimes Act ("MCA") 18 U.S.C. §1153 was a statutory codified law passed by the U.S. Congress in 1885 which placed 15 "Major Crimes" exclusively under Federal jurisdiction. The statute provides that within "the Indian country," "[a]ny Indian who commits" certain enumerated offenses "shall be subject to the same law and penalties as all other persons committing any of [those] offenses, within the exclusive jurisdiction of the United States." MCA was upheld in **United States v. Kagama**, 118 U.S. 375 (1886) ruling that the U.S. Congress was conferred both the duty (fiduciary responsibility) and power to regulate such tribal affairs.

In 1948 the U.S. Congress made clear that "Indian country" includes "all land within the limits of any Indian reservation under the jurisdiction of the United States Government" with the passing of 18 U.S.C. §1151.

The S.Ct. directs us that a reservation by Treaty for Indians of a sovereign nation within the U.S. "is one which assures a right to self-government on lands that would lie outside both the legal jurisdiction and geographic boundaries of any state." **McGirt**, at 2462.

In 1954 the U.S. Congress codified Public Law 280 via 18 U.S.C. §1162 which presumed to

convey criminal jurisdiction for "major crimes" noted within MCA, to six (6) states including WI, less an expressed Exemption for the Menominee.

## ARGUMENTS

**I. WHETHER JURISDICTION CONVEYED TO THE STATE OF WI BY THE U.S. CONGRESS IN 1954, WITHOUT THE EXPRESSED CONSENT OF THE ONEIDA INDIAN TRIBE SOVEREIGN NATION, VIOLATED THE 14th U.S.C.A. AND/OR THE TREATY.**

The S.Ct. has consistently ruled that "[t]he policy leaving Indians free from state jurisdiction and control is deeply rooted in this Nation's history." **Rice v. Olson**, 324 U.S. 786,789, 65 S.Ct. 989, 89 L.Ed. 1367 (1945); **McGirt**, at 2462,2477,2480.

In **McGirt**, the S.Ct. reminded us that "Chief Justice Marshall, for example, held that Indian Tribes were 'distinct political communities, having territorial boundaries, within which their authority is exclusive...which is not only acknowledged, but guaranteed by the United States', a power dependent on and subject to no state authority." **McGirt**, at 2477 (citing **Worcester v. Georgia**, 6 Pet. 515,557, 8 L.Ed. 483 (1832); see also **McClanahan v. Arizona Tax Comm'n**, 411 U.S. 164,168-169, 93 S.Ct. 1257, 36 L.Ed.2d 129 (1973)).

The Oneida Indian Tribe sovereign nation has never expressly agreed to the conveying or transferring to the State, the Treaty established Fed. jurisdiction provision, right, or as **McGirt** calls it "promised benefits of a federal criminal forum to tribal members" (**McGirt**, at 2480) terms that were supposed to be "binding on the contracting parties" including the United States. (Treaty with the Oneida, Art. 5, 1838). Therefore, Pet. asserts any conveyance of jurisdiction was done in violation of the 14th U.S.C.A., and the Treaty/Contract.

Petitioner asserts the S.Ct. has established that a Treaty is not only based on constitutional law, but is also a binding contract. (**Weinberger v. Rossi**, 102 S.Ct. 1510, Art. VI Cl.2 of the Supremacy Clause, Treaty Clause Art. II sec. 2); breach of which anytime including herein warrants remedy and/or damages.

The Oneida Indian Tribe did not reach ratified Treaty agreement in 1838 with the State of WI, who didn't even exist as a State at the time, nor did the State of WI sign approval of it's 1936

Constitution. It was the U.S. Fed. Government who did so because only it has the equal sovereign nation status and authority to do so. The State has no such power to Treaty with a sovereign nation delegated to them by the U.S. Congress.

There was no amended Treaty or amended Constitution (proper memorializing instruments) signed by both parties mutually signifying an agreed 1954 transfer of jurisdiction (a Treaty provision "promised benefits of a federal criminal forum to tribal members" (**McGirt**, at 2480)) to a non-sovereign nation/State third party via Public Law 280/18 U.S.C. §1162. The unilateral transfer of jurisdiction to the State instead violated the 1838 Treaty and the 1936 Constitution by enactment without the expressed agreement of the Oneida Indian Tribe, also violating Pet.'s 14th U.S.C.A. Due Process Rights.

Such acts of bad law cause Treating with the U.S. to lose value, standing, and meaning. Continuing this "legal wrong" (**McGirt**, at 2480) calls into question the reliability of Treating with the U.S. for all sovereign nations, and should not be perpetuated.

Further, the upholding of such a "legal wrong" transfer of jurisdiction degraded and diminished the sovereignty of the Oneida Tribe as a sovereign nation, causing harm to them and to Pet. as a duly enrolled member.

A Treaty between the U.S. and the Oneida Indian Tribe (both sovereign nations) is no less a Treaty in the eyes of the U.S. Constitution than the New START Nuclear Arms Reduction Treaty between the U.S. and Russia, or the North Atlantic Treaty Organization (NATO) mutual defense coalition Treaty.

Imagine the prospect of the U.S. Congress unilaterally conveying provisions of those better known Treaties upon other sovereign nations (or States); who are <u>not</u> parties to the agreement. Precisely what the U.S. Congress has done here with Public Law 280 / 18 U.S.C. §1162.

Public Law 280 and 18 U.S.C. §1162 are at odds and impermissibly in conflict with MCA, 18 U.S.C. §1153, 1151, the 1838 Treaty with the Oneida, and the 1936 Oneida Constitution; and have Unconstitutionally (violating Due Process via the 14th U.S.C.A.) conveyed jurisdiction to the State without expressed consent of the Oneida Indian Tribe sovereign nation Treaty party.

To not be in conflict as a "legal wrong", Public Law 280 / 18 U.S.C. §1162 needed to be accompanied by consent of the parties via an amended Treaty or amended Oneida Constitution, and language revoking force of the MCA and 18 U.S.C. §1153 to be "clear and plain." **McGirt**, at 2463,2469 (citing **Yankton Sioux**, 522 U.S., at 343, 118 S.Ct. 789).

**II. DOES THE STATE OF WI HAVING JURISDICTION OVER "MAJOR CRIMES" OCCURING BY INDIANS UPON INDIANS IN "INDIAN COUNTRY" WITHIN THE BOUNDARIES OF THE STATE VIA 18 U.S.C. §1162 VIOLATE THE 1838 ONEIDA TREATY, THE 1936 ONEIDA CONSTITUTION, OR 18 U.S.C. §1153.**

The Lower Ct. decision(s) herein, encourage this Court to ignore the conflict and Ambiguity in the law and perpetuate the "legal wrong" by continuing to endorse the unilateral conveyance of jurisdiction over Indian Major Crimes to selective States in 1954. However, such a proposal is consequentially highly problematic.

To start, the State would argue that **McGirt** is distinguishable, however Pet. counters that it is not, in a material and relevant way. In **McGirt**, the S.Ct. did more than decide **McGirt**'s fate. Here those broad issue findings the Court made in **McGirt** apply equally.

Just like **McGirt**, Pet. is an Indian accused of a "major crime" upon another Indian within "Indian country." Just like **McGirt**, Pet. challenges his conviction based upon a lack of jurisdiction. Just like the S.Ct. declared in **McGirt**, principle points of this case are:

1.) *"Mr. McGirt's appeal rests on the federal Major Crimes Act (MCA)"*

2.) *"The key question Mr. McGirt faces concerns...:Did he commit his crimes in Indian country?"*

**McGirt**, at 2459. Petitioner asserts that **McGirt** and he are analogous.

The only sub-level difference being, in **McGirt** the state chose the path of challenging jurisdiction on an argument of diminishment or disestablishment of the reservation. That doesn't apply in present case. Instead, Pet. herein challenges jurisdiction based upon the conveyance to the state being unconstitutional. Either way, the S.Ct. Findings on the broader issues and principles in **McGirt** apply equally to Pet., and are therefore herein asserted as they mirror the issues upon which this case turns, with equal force.

Problematically, if the jurisdiction conveyance is upheld and the unconstitutional conflict and

ambiguity with MCA and 18 U.S.C. §1153, §1151, the 1838 Oneida Treaty, and the 1936 Oneida Constitution are allowed to continue in violation of Due Process, then effectively the reservation no longer exists (as defined requiring exclusive Federal forum jurisdiction).

Recall, the S.Ct. in **McGirt** found that a reservation by Treaty for Indians "is one which assures a right to self-government on lands that would lie outside both the legal jurisdiction and geographic boundaries of any state." **McGirt**, at 2462. Not just for McGirt, but for any Indian similarly situated. Here Public Law 280 / 18 U.S.C. §1162 ran a foul of that mandate and thereby non-deliberately disestablished the reservation.

The land cannot be both a reservation, and not a reservation at the same time, for the convenience of two conflicting laws. This bad law legal wrong of Public Law 280 / 18 U.S.C. §1162 cannot survive this most basic level of scrutiny.

The depth of **McGirt**'s relevance and materialism is illuminating and doesn't end there. In it, the S.Ct. reminded us that when Treaties are executed between sovereign Nations and are subsequently ratified by Congress and the President, they are enacted as law, with the same weight and equivalence as codified statutory law. **McGirt**, at 2460. Public Law 280 / 18 U.S.C. §1162 violated that.

What we've been left with then are 4 thought provoking laws enacted over a period of 110 years (Treaty with the Oneida (1838); MCA / 18 U.S.C. §1153 (1885); the Oneida Constitution (1936); and 18 U.S.C. §1151 (1948)) that are in conflict with Public Law 280 / 18 U.S.C. §1162. Public Law 280 / 18 U.S.C. §1162 being post World War II Federal policy known to wish to shed the U.S. Government of what they thought at the time to be burdensome oversight and to terminate reservations and tribes altogether, in a plan to assimilate Indians into general society, in disregard of its fiduciary responsibility to do the Tribes and their members no harm. **McGirt**, at 2464-66.

In fact, Public Law 280 / 18 U.S.C. §1162 was a legal wrong that has been superseded with retrocession ever since, including the Menominee in 1976 and the Yakama in 2012; making it long overdue for the Oneida or full reversal. Congress even recognized this as they amended

the law in 1968 requiring expressed Tribal consent, but failed to do so covering the six states from Public Law 280 / 18 U.S.C. §1162 (1954) retroactively. Yet another "legal wrong." (see 25 U.S.C. §1321(ab)).

Specifically relevant and material to this case is that **McGirt** explicitly relied on **Menominee Tribe v. United States**, 391 U.S. 404,405, 88 S.Ct. 1705, 20 L.Ed.2d 697 (1968) in it's basis for determining what is an Indian "reservation"; coupled with "Indian country" defined pursuant to 18 U.S.C. §1151 as "all land within the limits of any Indian reservation under the jurisdiction of the United States Government."

Just like **McGirt**, Pet.'s claims rest firmly on "jurisdiction" established by the aforementioned; and 18 U.S.C. §1153(a) which provides " 'Indian country' includes '[a]ny Indian who commits' certain enumerated offenses 'shall be subject to the same law and penalties as all other persons committing any of [those] offenses, within the exclusive jurisdiction of the United States." **McGirt**, at 2456.

Petitioner asserts, the fact is, the land in question actually became a "reservation" of "Indian country" in 1832 via the Treaty with the Menominee, and has remained intact as an established reservation ever since, whether labelled as Menominee or Oneida.

Federal Treaties and codified law / statutes are equally the "Supreme Law of the Land." U.S. Constitution Art. I §8; Art. VI cl.2; and when they conflict, must be resolved. Despite the prospect that some state court convictions of Native Americans might be upset, **McGirt** found that "the magnitude of a legal wrong is no reason to perpetuate it." **McGirt**, at 2480. The 1954 purported conveyance of Fed. jurisdiction to the state, unilaterally diminished and harmed Pet. and WI Indians, requiring remedy.

Congress has demonstrated that they know how to properly diminish a Tribal interest. **McGirt**, at 2462-63 (citing **Nebraska v. Parker**, 577 U.S. 481, 136 S.Ct. 1079, 194 L.Ed.2d 152 (2016). Here the state would assert that this diminishment was done by agreement of the Tribes of the affected states, but provides no evidence of such agreement via an Amended Treaty or Constitution which acquiesces to transfer of Fed. jurisdiction by the Oneida Tribe and

it's Members to the State.

If Congress wishes to genuinely break the "promised benefits of a federal criminal forum to tribal members" (**McGirt**, at 2480), it must expressly say so and not create conflicting and ambiguous law; dodging the consequences they should be subject to.

Conspicuously absent in the 1954 enactment of Public Law 280 / 18 U.S.C. §1162 is language evincing anything like the Tribes expressed agreement via amended Treaty or Constitution, to surrender the Fed. jurisdiction Treaty provision "promised benefits of a federal criminal forum to tribal members" provided in law. **McGirt**, at 2480.

**III. DOES THE MENOMINEE EXEMPTION TO Public Law 280 / 18 U.S.C. §1162 APPLY TO PETITIONER?**

Due to both an exemption being requested and in place at the passing of Public Law 280 / 18 U.S.C. §1162, and the retrocession of jurisdiction to the reservation in 1976 via executive action accepted by the Bureau of Indian Affairs, Pet. asserts he is exempt from the Law and that his conviction is invalid due to a lack of jurisdiction of the state; and that an injustice has therefore occurred. **State v. Webster**, 114 Wis.2d 418; 45 Fed. Reg. 8516 (1976).

The reservation land in question, which was transferred from the Menominee to the Oneida via the 1838 Treaty, was always "Indian country" provisioned with Fed. jurisdiction; which is only severed by disestablishment.

Petitioner argues that Congress and the S.Ct. have established that the transfer of reservation land to another Native American (or others) does not disestablish a reservation and therefore does not diminish its reservation provisions such as Fed. jurisdiction. **Mattz v. Arnett**, 412 U.S. 481,504, n.22, 93 S.Ct. 2245, 37 L.Ed.2d 92 (1973). The U.S. S.Ct. provided in **McGirt**, at 2462 that "this Court [will not] lightly infer such a breach once Congress has established a reservation." **Solemn v. Bartlett**, 465 U.S. 463,470, 104 S.Ct. 1161, 79 L.Ed.2d 443 (1984).

Here the transfer of the established reservation land in question from Menominee to Oneida hands, persistently remained a reservation of "Indian country" ruled by superior Fed. Court to have been "intact." **Oneida Nation v. Village of Hobart**, 968 F.3d 664,689.

Therefore, throughout the execution of the 1838 Treaty with the Oneida and ever since, the

land in question (always a subset originating from the 1832 Menominee Reservation) remained: 1.) Reservation land, 2.) "indian country", 3.) Under the continuous power of Fed. jurisdiction, and 4.) without disestablishment.

**What the Appellate Court's ruling, and State's argument fail to recognize is that Fed. jurisdiction power held by U.S. Congress operatively attaches to, is reservation "Indian country" land (18 U.S.C. §1153), not people.**

Conversely, in parallel for the Tribe, jurisdiction is a "promised benefits of a federal criminal forum to tribal members" (**McGirt**, at 2480) that a sovereign nation Indian tribe could choose to relinquish via expressed consent. Keeping in mind, regardless of potential expressed consent they could exercise, jurisdiction always remains a Fed. power option that never diminishes or disestablished over the reservation. Even if conveyed to a state by proper memorialized expressed agreement, jurisdiction remains concurrent as Fed. and state.

The U.S. Government recognized the "promised benefits of a federal criminal forum to tribal members" (**McGirt**, at 2480) as it saw the need to codify the Menominee Exemption upon request in 1954, and again via the 1968 Amendment requiring Tribal consent. Particularly relevant in the 1976 retrocession specifically re-instating the Menominee Exemption assertion.

## CONCLUSION

Petitioner asserts that his conviction was unlawful, Unconstitutional, and the WI Court lacked jurisdiction; and that his conviction must be vacated with prejudice declaring Public Law 280 / 18 U.S.C. §1162 invalid as Ambiguously in conflict with the Treaty of the Oneida (1838), the Major Crimes Act 18 U.S.C. §1153, and the Oneida Constitution (1936) ratified by the U.S. Congress.

Petitioner asserts that it is time for admission that Public Law 280 / 18 U.S.C. §1162 is Unconstitutional violating at least Due Process guaranteed by the 14th U.S.C.A., Congress abrogated the Treaty with the Oneida, breaking the word of the U.S. and eroding Oneida sovereignty. Such a Unconstitutional law severs jurisdiction and therefore Pet.'s conviction must be vacated with prejudice, ruling that 18 U.S.C. §1162 is Unconstitutionally invalid. Here, WI

and lower Courts have by-passed and turned a blind eye to Pet.'s actual claims & arguments, acted to deprive the Record of his valid filings, and violated his 14th U.S.C.A. Due Process Rights in an effort to avoid addressing his claims on the merits.

Petitioner argues that since the land became a Reservation in 1832 (via the Menominee Treaty), and has never been disestablished, the Oneida now share in the Menominee Exemption as it remains within the same physical land reservation boundaries defined when the reservation was established.

Regardless of who occupies it, Menominee or Oneida, since the topic in question is Fed. jurisdiction which has never been interrupted by disestablishment over "Indian country" land called a "reservation", Petitioner and the Oneida share in the Menominee Exemption because jurisdiction herein applies to land principally, regardless of which Indian people occupied it and were involved in the crime.

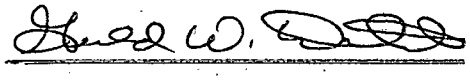
Otherwise, Pet. enjoys the Menominee Exemption to Public Law 280 / 18 U.S.C. §1162 and the conviction must be similarly vacated as an injustice. This matter is consequential to this Court because it involves Treaties, National Congressional powers, multiple States jurisdictions, and public interests of those citizens similarly situated.

**CERTIFICATION OF LENGTH, MAILING AND SERVICE**

Pursuant to 28 U.S.C. §1746, I hereby swear, certify, verify, and affirm under penalty of perjury that the statements made herein and any documents or Exhibits referred to or that I have provided in this matter are true, accurate, and correct to the best of my knowledge and belief. This Petition is Format Rule compliant at 5,049 words at 12 pt.

Respectfully Submitted,

Dated: 10/6/26



GERALD W. DOXTATOR
1026 Elsie Street
Appleton, WI 54914

Enclosure(s): Appendix Exhibits A thru S and AA-1 & AA-2

cc: Solicitor General of the United States; WI Dept. of Justice

Subscribed and sworn to before me

by the Affiant, who is personally

known to me

NOTARY PUBLIC, STATE OF WISCONSIN

County of Outagamie

My Commission Expires: 2/30/2030

PAUL R DEJARDIN
NOTARY
PUBLIC
STATE OF WISCONSIN