

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

<p>CHARMAINE WHITE FACE, Plaintiff, vs. JERRILYN CHURCH, CEO, Great Plains Tribal Chairmen's Health Board and JAMES DRIVING HAWK, Area Director Great Plains Area U.S. Indian Health Service, Defendants.</p>	<p>CIV. 18-5087-JLV ORDER</p>
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Plaintiff Charmaine White Face filed a complaint seeking to immediately enjoin defendant Jerrilyn Church, the Chief Executive Officer of the Great Plains Tribal Chairmen's Health Board, and defendant James Driving Hawk, Area Director for the Great Plains Area United States Indian Health Service, from entering into a self-determination contract regarding the Sioux San Hospital in Rapid City, South Dakota. (Docket 1). Plaintiff also moved the court for an emergency temporary injunction to prohibit defendants from finalizing the contact.¹ (Docket 8). Defendants each filed a motion to dismiss the complaint. (Dockets 13 & 14). Defendants also oppose plaintiff's request for a temporary restraining order. (Dockets 14 & 23). The Oglala Sioux Tribe and the Cheyenne River Sioux Tribe, federally recognized tribal nations, moved for leave to file an *amicus* brief in support of the Great Plains Tribal Chairmen's Health Board. (Docket 17).

¹The court construed this motion as a request for a temporary restraining order.

The court held a hearing regarding these motions on December 13, 2018. All parties were present at the hearing and represented by counsel. Based on the thorough filings in the record, the written and oral advocacy of the parties, and for the reasons the court explained on the record during the hearing, it is

ORDERED that defendant Church's and defendant Driving Hawk's motions to dismiss (Dockets 13 & 14) are granted.

IT IS FURTHER ORDERED that plaintiff's motion for an emergency temporary injunction (Docket 8) is denied.

IT IS FURTHER ORDERED that the request by the Oglala Sioux Tribe and the Cheyenne River Sioux Tribe for leave to file an *amicus* brief (Docket 17) is denied as moot.

IT IS FURTHER ORDERED that the complaint (Docket 1) is dismissed without prejudice.

Dated December 14, 2018.

BY THE COURT:

/s/ Jeffrey L. Viken

JEFFREY L. VIKEN
CHIEF JUDGE