

IN THE NORTHERN CHEYENNE TRIAL COURT OF AND FOR THE NORTHERN CHEYENNE TRIBE LAME DEER, MONTANA 59043

IN RE THE MATTER OF:

Melissa Fisher (Ashland), Eva Foote (Ashland)
Gwen Spotted Horse (Birney,) Stefan Rainingbird
(Busby), Melissa Lonebear (Lame Deer), Nizhoni
Friez (Lame Deer), Donovan Limberhand (Lame Deer),
Howard Ontiveros (Muddy), Edina Red Star, Secretary,
Kristi Killsnight, Treasurer & Ryhal Rowland, Employee
*IN THEIR OFFICIAL CAPACITIES AS LAWFULLY
ELECTED COUNCIL MEMBERS, APPOINTEES, AND
EMPLOYEE
PETITIONERS*

-v-

Jason Standing Elk (Ashland), Waylon Rogers (Ashland)
Llevando "Cowboy" Fisher (Birney), Rueben Roundstone
(Busby), Corey Spotted Elk (Lame Deer), Robert Simpson
(Lame Deer), Lynwood Ewing (Muddy), Sharlene Evans
Secretary, Terrance Limpy, Treasurer, Donovan Taylor
(Busby), Josey "Wade" Red Hat (Lame Deer)
*IN THEIR CAPACITIES AS PURPORTED COUNCIL
MEMBERS, APPOINTEES
RESPONDENTS*

CAUSE No. C2026-079.A

ORDER DENYING
MOTION TO RECUSE
AND DISQUALIFY

JUDGE C. ELKSHOULDER, JR

Legal counsel for the respondents filed a motion to recuse and disqualify pursuant to Rule 7 of the Rules of Court for the Northern Cheyenne Tribal Court. Respondents legal counsel contends that in accordance with Rule 7 of the Rules of this Court, an affidavit was given by the Tribal President of the Tribe, who is NOT a party to this case. Additionally, the motion argues Title V, Rule 23 of the Revised Rules of Criminal Procedure to support the Motion to Recuse and Disqualify. In accordance with the Rules of this Court, Rule 7 clearly reads, "The parties have the right to move for a disqualification of a judge, by filing a motion to recuse and paying the motion fee on the current Fee Schedule of the Northern Cheyenne Court. All motions to recuse must be filed within 10 days following an initial appearance as a defendant or respondent, with their initial pleading

if they are the plaintiff or petitioner, or with a showing of cause during any proceeding of the Court up to the opening session of the final hearing. The motion must be pursuant to Title V, Rule 23 of the Criminal Rules of Procedure, Affidavit of Bias and Prejudice of a Judge. If such motion is not filed, the assigned Judge must preside. A Memorandum of Recusal signed by the recused Judge must be entered within 5 days of recusal. The last order prior to the recusal shall remain in effect unless by stipulation of the parties and approved by the Judge recused until a substitute Judge is assigned.” Title V, Rule 23, ” Upon the filing of an affidavit of bias and prejudice setting forth satisfactory proof of facts establishing, that by reasons of bias or prejudice of the Judge to whom the case is assigned, the defendant cannot have a fair trial, the Judge shall disqualify him/herself. Any person who abuses this process by filing such affidavit(s) without basis in fact shall be in contempt of Court.” The initial appearance of the Respondents on this matter took place when they engaged with this Court by filing their initial response. Additionally, the affidavit of the Tribal President, Gene Small, attached to the Motion does not show how a recusal would cure any argued prejudice. The Tribal President is not a named party of these proceedings, and would not be harmed by any judgements made by this Trial Court. The court would have considered a recusal upon a filing of one of the Respondent(s) placing the Recusal and Disqualification argument before the court, but the Tribal President is not a party to this case and has abused the process by filing such an affidavit, in violation of Rule 23, Title V. For these specific reasons, the court can not simply grant a political argument laid before this Court by the Tribal President, based off of an email correspondence the Tribal President obtained from the presiding Judge’s inbox.

IT IS FOR THESE REASONS, the Motion to Recuse and Disqualify is DENIED.

ORDERED AND ADJUDGED THIS 26TH DAY OF MAY, 2026.


TRIAL JUDGE



NORTHERN CHEYENNE COURT
CERTIFIED COPY
CLERK OF COURT:
BY: 
DATED: 5/26/26

CERTIFICATE OF MAILING

A TRUE AND ACCURATE COPY OF THE 2 PAGE DOCUMENT DESCRIBED AS C2026-079.A

CERTIFIED COPY OF ORDER DENYING MOTION TO RECUSE AND _____ WAS DEPOSITED
DISQUALIFY DATED 5/26/26

IN THE UNITED STATES POST OFFICE IN LAME DEER, MONTANA 59043, POSTAGE PREPAID, TO THE
FOLLOWING:

	<u>PERSON</u>	<u>ADDRESS</u>	<u>CITY, STATE</u>
1	ELMORE LIMBERHAND, III	P.O. BOX 988	LAME DEER, MT 59043
2	STEVEN A. KELLY	1101 47TH AVE. S.W.	MINOT, ND 58701
3	DANA EAGLEFEATHERS	P.O. BOX 97	BUSBY, MT 59016
4	DEIDRE AANSTAD	2057 HARNEY ST.	OMAHA, NE 68102
5			
6			
7			

DONE AND DATED THIS 27TH DAY MAY, 2026


STEPHFAWN TALLBULL, CIVIL DEPUTY CLERK
NORTHERN CHEYENNE COURT

Northern Cheyenne Court
25 N Cheyenne Ave
P.O. Box 1199
Lame Deer, Montana 59043

*no motion
in \$20 fee
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OR DEN*

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Elmore Limberhand III
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*6-5-26
gk*

59043-098888

