
FORT PECK TRIBAL COURT OF APPEALS
FORT PECK INDIAN RESERVATION
ASSINIBOINE AND SIOUX TRIBES
POPLAR, MONTANA

Roberta Boyd Beveridge
Petitioner/Appellant

vs.

Appeal No. 340

Fort Peck Tribes, through its Chairman
Arlyn Headdress, Rose Atkinson, and
Denver Atkinson
Respondents/Appellees

ORDER OF REMAND

A **PETITION FOR REVIEW** (mislabeled as a "Notice of Appeal") dated **January 28, 2000**, having been filed by **Roberta Boyd Beveridge** through her attorney, **Donald L. Netzer, Esq.**, from a denial of her **Petition for Order to Restrain**, the **Honorable Marvin Youpee**, presiding, and good cause appearing therefor, the said Petition is granted.

Based upon the lower Court file, this Court finds:

1. That the appellant herein filed her **Petition for Order to Restrain** on or about **January 20, 2000**, requesting that the Fort Peck Tribal Court calendar an "immediate hearing ... ***with notice*** to the Fort Peck Tribes ***so that an Order to Restrain can be issued*** prior to Roberta Boyd Beveridge being damaged as indicated herein" (our emphasis).

2. That the Tribal Court's denial of the Petition for Order to Restrain is based upon the Court's misreading of the Petition, to wit, that the said petition requested the restraining order be issued ***without notice*** to the Fort Peck Tribes.

3. That the said Petition does not request a 'temporary' restraining order *ex parte*, but rather, requests an Order to Restrain ***only after*** "notice to the Fort Peck Tribes". Thus, **Title IV §401(a)** does not apply.

IT IS NOW THEREFORE THE ORDER OF THIS COURT THAT:

1. This matter is remanded to the Tribal Court for the purpose of calendaring the emergency hearing as requested in appellant's petition.
2. Said hearing shall be calendared for a date on or before **February 18, 2000.**

Dated this 8th day of February, 2000.

FOR THE FORT PECK COURT OF APPEALS

BY _____

**Gary P. Sullivan
Chief Justice**
