

**IN THE DISTRICT COURT
TULSA COUNTY
STATE OF OKLAHOMA**

LESSIE BENNINGFIELD)	
RANDLE et. al.,)	
)	
Plaintiff,)	
)	CV 2020-1179
- vs -)	
)	
CITY OF TULSA, et. al.,)	
)	
Defendant.)	

**MOTION TO INQUIRE INTO THE REAL BLOOD LINES
OF PLAINTIFFS TO ASCERTAIN DISTRICT COURT'S
ADJUDICATORY JURISDICTION ON MUSCOGEE CREEK NATION**

Comes Now, the intervening defendant as undersigned, bring the above styled cause on grounds Art. 1, 1866 treaty with Creeks require an inquiry into Plaintiffs' tribal bloodlines, a crucial element to ascertain this court's adjudicatory jurisdiction on Muscogee Creek Nation.

Art. 1, 1866 treaty with Creeks detail the scenario when the United States forced the Creek Nation to give up her slaves and share wealth with the Freedmen, because the Creeks were on the losing side of the Civil War.

The Creek Nation provided the seed money to the future prosperity of Greenwood during the oil boom years from statehood to her destruction in 1921. The undersigned intervening Defendant is entitled to offer assistance to this Court's adjudicatory jurisdiction because he is a criminal defendant prosecuting this Court's adjudicatory jurisdiction on Muscogee Creek Nation, relying on the same treaty provision the Supreme Court relied upon to decide *McGirt v. Oklahoma*, Art. 4, 1856 treaty restricting the power of the United States to include the Muscogee Nation in the State of Oklahoma.

"No portion of any tracts of country defined in [the treaty] shall ever be embraced, or include within, or annexed to [the State of Oklahoma]."

Under Art. 15, 1856 treaty the state is defined as an intruder, who gave tacit consent, under color of law, to other intruders, for whom the state can claim no governmental interests, under the state disclaimer clause. Oklahoma Constitution Article 1, §3.

The State's tautological application of the state disclaimer clause in *Goforth v. State*, 1982 OKCR 48, and *Currey v. Corporation Commission*, 1979 Oklahoma 89, 617 P.2d 177, has been discredited by Congress passage of Public Law 280, which required the state to remove legal impediment to state jurisdiction on Muscogee Nation, namely the state disclaimer clause, § 3.

In *Ahboah v. Housing Authority of Kiowa Tribe of Indians*, 1983 OK 20 the Oklahoma Supreme Court relied upon state failure to amend the state disclaimer clause to hold district courts lack adjudicatory jurisdiction to entertain forcible entry and detainer actions against properly located on "any lands owned or held by any Indian, tribe or nation."

The *corpus delecti* of treaties, federal law, and case law is compellingly clear. This Court lacks adjudicatory jurisdiction to entertain the application of Oklahoma law on the Muscogee.

Rule 14 of the Supreme Court restricts the power of the Court from considering or construing on questions not presented. The only question presented here is: "Does this Court have adjudicatory jurisdiction to entertain the application of Oklahoma law on the Muscogee Nation."

This court has no duty to construe upon what other court might have jurisdiction in question.

It is, however, a duty of this Court to inquire into its own jurisdiction when the Supreme Court cast serious doubt on the long historical practices of Oklahoma courts, deemed "likely illegal".

No matter how this court rules on its jurisdiction on Muscogee Nation, all parties would be remiss if no interlocutory appeals to the Supreme Court are pursued, prior to resolution on the trial of state jurisdiction on Muscogee Nation.

The existential question that must be presented to the Supreme Court.

"may the State of Oklahoma claim any governmental interests, notwithstanding any proprietary rights she might claim, on the Muscogee (Creek) Nation."

Respectfully submitted,

PAUL TAY 1163908
Petitioner
DLM #1163908
David L. Moss Detention Center
300 N. Denver
Tulsa, OK 074103