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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ELILE ADAMS,

Petitioner,

v.

BILL ELFO, Whatcom County Sheriff; and  
WENDY JONES, Whatcom County Chief of  
Corrections,

Respondents.

NO. 2:19-cv-01263

**AMENDED PETITION FOR WRIT  
OF *HABEAS CORPUS***

**I. PETITION**

1. Petitioner Elile Adams, a pretrial detainee in the custody of Whatcom County, Washington, respectfully requests that this Court issue a writ of *habeas corpus* pursuant to 28 U.S.C. § 2241 and/or 25 U.S.C. § 1303.

**II. PARTIES**

2. Petitioner Elile Adams is a 33-year-old woman and Lummi Nation member who resides on off-reservation trust lands at 7098 #4, Mission Road, Deming, Washington. She is not an enrolled member of the Nooksack Indian Tribe.

1           3. Wendy Jones is the Whatcom County (“County”) Chief of Corrections. In that  
2 position, Ms. Jones is responsible for administration and operations oversight for Whatcom  
3 County Corrections Bureau, which includes the downtown County Jail (“Jail”), the Work Center,  
4 and all of the jail-alternative programs that the County runs. Ms. Jones also writes the County  
5 Corrections Bureau’s budget and works with lieutenants to maintain monetary oversights,  
6 approve policies and procedures, and supervise hiring and discipline for all County Corrections  
7 Bureau employees. Ms. Jones runs the day-to-day operations of the Jail and oversees everyone  
8 in the County Corrections Bureau.

9           4. Sheriff Bill Elfo oversees law enforcement for all of Whatcom County. He also  
10 oversees, generally, the County Corrections Bureau, which operates the Jail and the Jail system,  
11 as well as all the jail alternative programs that the County has. Sheriff Elfo makes the final  
12 decisions for the County on hiring, appointments of personnel, and budget requisitions. He is  
13 ultimately responsible for the operations of the Jail and the detention and imprisonment of  
14 persons convicted or suspected of convicting a crime. RCW 36.28.010.

### 15   **III. JURISDICTION AND VENUE**

16           5. Venue is proper in this Court because the acts alleged herein occurred in  
17 Whatcom County, Washington, specifically on lands outside the established Nooksack Indian  
18 Reservation.

19           6. This Court has jurisdiction and authority to entertain a *habeas* action pursuant to  
20 28 U.S.C. § 1331, 28 U.S.C. § 2201, 28 U.S.C. § 2241, and/or 25 U.S.C. § 1303.

### 21   **IV. STATEMENT OF FACTS**

#### 22           **A. “JUDGE” RAYMOND DODGE AND THE NOOKSACK TRIBAL “JUSTICE SYSTEM”**

23           7. Since at least 2016, George Adams—Petitioner’s father—has been a “staunch  
24 defender” of, and traditional spokesperson for, over three hundred Nooksack tribal members  
25

1 who have been proposed for disenrollment from the Nooksack Indian Tribe (“Tribe”) since  
2 2012—the so-called Nooksack 306.<sup>1</sup>

3 8. Petitioner Elile Adams has also been a vocal supporter of the Nooksack 306  
4 and critic of purported Nooksack Tribal officials who have oppressed them.

5 9. On March 28, 2016, a group of Tribal members purporting to be governing body  
6 of the Nooksack Indian Tribe (“holdover Councilpersons”) terminated Nooksack Tribal Court  
7 Chief Judge Susan Alexander, after she issued several election rulings adverse to them.

8 10. On June 13, 2016, the holdover Councilpersons purportedly replaced Nooksack  
9 Tribal Court Chief Judge Susan Alexander with Raymond Dodge, the Tribe’s immediate past  
10 in-house attorney (who had unsuccessfully represented them in the election proceedings of  
11 concern before Judge Alexander). *Nooksack Indian Tribe v. Zinke*, No. 17-0219-JCC (W.D.  
12 Wash.), Dkt. No. 43, at 3.<sup>2</sup>

13 11. On October 17, 2016, Lawrence S. Roberts, United States Department of the  
14 Interior Principal Deputy Assistant Secretary of Indian Affairs (“AS-IA”), issued a decision to  
15 the holdover Councilpersons establishing that they lacked authority to act as or in any way  
16 represent themselves as the governing body of the Tribe, and refusing to recognize “any actions  
17 taken” by them since March 24, 2016.

18 12. AS-IA Roberts issued a second decision to the holdover Councilpersons on  
19 November 14, 2016, reiterating that the United States “will only recognize those actions taken  
20 by the Tribal Council prior to March 24, 2016, when a quorum existed, and will not recognize  
21 any actions taken since that time because of a lack of quorum.” Such actions included the  
22

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23 <sup>1</sup> *Disenrollment Kills Nooksack Language Revitalization Program*, INDIAN COUNTRY TODAY (June 29, 2016),  
24 available at [https://newsmaven.io/indiancountrytoday/archive/disenrollment-kills-nooksack-language-revitalization-program-v\\_gOUFPP7Umtmq7Z77UxtA/](https://newsmaven.io/indiancountrytoday/archive/disenrollment-kills-nooksack-language-revitalization-program-v_gOUFPP7Umtmq7Z77UxtA/). George Adams is a respected Nooksack Tribal Elder and the last remaining speaker of the Nooksack language, Lhéchelesem.

25 <sup>2</sup> Additional facts giving rise to this lawsuit have been chronicled by the U.S. District Court for the Western District of Washington in *Nooksack Indian Tribe v. Zinke*, No. 17-0219-JCC (W.D. Wash.), Dkt. # 43.

1 holdover Councilpersons' purported appointment of Raymond Dodge as Tribal Court Chief  
2 Judge on June 13, 2016.

3 13. On November 9, 2016, George Adams appeared in Nooksack Tribal Court before  
4 Raymond Dodge, as a traditional spokesperson for Nooksack Tribal Elder Margretty Rabang,  
5 who was unlawfully facing eviction pursuant to orders issued by Mr. Dodge and whose lawyers  
6 of record were disbarred and excluded from court by Mr. Dodge (when he was acting as both  
7 lawyer and purported judge).

8 14. George Adams humiliated Raymond Dodge for his unethical behavior; he spoke  
9 exclusively in his Lhéchelesem tongue. It was at that point when Mr. Dodge, masquerading  
10 as Tribal Court Chief Judge, established his vendetta against the George and Elile Adams  
11 ("Adamses" collectively).

12 15. On December 23, 2016, AS-IA Roberts issued a third decision to the holdover  
13 Council, invalidating any Tribal Court orders "based on actions taken by the Tribal Council  
14 after March 24, 2016," whether those orders were "issued to be served by the Nooksack Chief  
15 of Police or could be issued and served in the near future."

16 16. On April 27, 2017, counsel for Petitioner emailed Respondent Elfo "ask[ing] that  
17 [his] agency reject any request from purported Nooksack officials to arrest or detain our  
18 clients." The Sheriff replied the next day: "Thank you Mr. Galanda, we have advised our  
19 deputies accordingly."

20 **C. WHATCOM COUNTY AND RAYMOND DODGE'S "TRIBAL COURT" PROCEEDINGS**

21 17. In 2014, the father of Petitioner Elile Adams' daughter, Manuel Galindo, initiated  
22 a parenting action against Ms. Adams in Whatcom County Superior Court. *In re Z. A.-G.*, No.  
23 14-5-00085-2. By May 8, 2015, the Superior Court issued an Order, ruling that "Ms. Adams is,  
24 and shall remain, [the] primary residential parent" for the child and awarding Mr. Galindo three  
25

1 hours of visitation three times per week (“Superior Court Parenting Order”). Ms. Adams and  
2 Mr. Galindo generally adhered to the Superior Court Parenting Order, until March of 2017.

3 18. On March 17, 2017, Petitioner sought a protection order against Mr. Galindo from  
4 the Tribal Court. *Adams v. Galindo*, No. 2016-CI-PO-00. Mr. Galindo had a history of  
5 physically and verbally abusing Ms. Adams, causing property damage to their former home  
6 together, expressing suicidal ideation, and threatening to take their child back to Mexico with  
7 him. That day, Raymond Dodge ostensibly presided, and issued a temporary protection order  
8 against Mr. Galindo.

9 19. On March 30, 2017, Raymond Dodge himself initiated a parenting action *against*  
10 Ms. Adams *sua sponte*, despite knowing that he lacked any authority to act as Tribal Court  
11 Chief Judge according to AS-IA Roberts’ three determinations. *In re the Matter of Z. A.-G.*,  
12 No. 2017-CI-PP-001. That day, Ms. Adams filed the Superior Court Parenting Order with the  
13 Tribal Court, which would have caused a legitimate judge to realize he lacks jurisdiction per the  
14 common law first-to-file rule. In fact, Mr. Dodge was advised in open court that he lacked  
15 jurisdiction to adjudicate the custody or parenting of the minor child, due to the pre-existing  
16 Superior Court Parenting Order. Raymond Dodge proceeded anyway, preparing and issuing a  
17 purported Order titled, “Parenting Plan, Visitation Schedule.”

18 20. Since March 30, 2017, Ms. Adams appeared before Mr. Dodge in either *In re the*  
19 *Matter of Z. A.-G.*, No. 2017-CI-PP-001, or its related criminal matter, *infra*—by which Mr.  
20 Dodge has endlessly harassed Ms. Adams through an abuse of judicial process at least 18 times.  
21 She appeared before him on March 30, November 8, December 13, 2017, January 10, February  
22 14, March 14, April 11, May 9, June 13, August 8, October 10, November 14, December 19,  
23 2018, and January 9 and 30, March 6 and 14, and May 20, 2019.

1           21.     Between March 30, 2017, and July 31, 2019, Mr. Dodge issued no less than  
2 twenty purported Orders *against* Ms. Adams in *In re the Matter of Z. A.-G.*, No. 2017-CI-PP-  
3 001, many “*sua sponte*” and many for contempt of court.

4           22.     On February 20, 2019, Ms. Adams was cited with “TEN COUNTS” of custodial  
5 interference, at Mr. Dodge’s behest in *Nooksack Indian Tribe v. Elile Adams*, No. 2019-CR-A-  
6 004.

7           23.     On March 14, 2019, Ms. Adams appeared before Mr. Dodge in *Nooksack Indian*  
8 *Tribe v. Elile Adams*, No. 2019-CR-A-004, and pleaded not guilty to the ten criminal counts.  
9 Mr. Dodge assigned Ms. Adams a public defender, Matthew Deming, in *Nooksack Indian Tribe*  
10 *v. Elile Adams*. That matter was scheduled for some form of pre-trial hearing on May 20, 2019.  
11 Despite the pre-existence of the civil parenting matter that he initiated against Ms. Adams, *In re*  
12 *the Matter of Z. A.-G.*, No. 2017-CI-PP-001, Mr. Dodge has never recused himself from the  
13 criminal matter that he also initiated against her, *Nooksack Indian Tribe v. Elile Adams*, in  
14 violation of fundamental judicial appearance of fairness tenets.

15           24.     On April 9, 2019, Ms. Adams obtained citizenship with the Lummi Nation for  
16 herself and her minor child, after relinquishing each of their enrollments with the Nooksack  
17 Tribe on January 31, 2019. In her own words, she “was seeking asylum in the Lummi Nation”  
18 as a result of persecution from Mr. Dodge. At this time Ms. Adams was no longer a member of  
19 the Nooksack Indian Tribe.

20           25.     On May 14, 2019, Ms. Adams filed a “Voluntary Non Suit of Elile Adams” with  
21 the Tribal Court in *In re the Matter of Z. A.-G.*, No. 2017-CI-PP-001, submitting that: “During  
22 the time when I filed my original petition asking for [a protection order] the Nooksack Tribal  
23 Court was and is now nonfunctional. This Tribal Court has neither subject matter jurisdiction,  
24 nor personal jurisdiction over me, nor over Mr. Galindo, nor our child.”

1           26.     On May 20, 2019, Ms. Adams appeared before Mr. Dodge for some form of pre-  
2 trial hearing in *Nooksack Indian Tribe v. Elile Adams*, No. 2019-CR-A-004, but Mr. Dodge  
3 continued the hearing again until July 11, 2019.

4           27.     On July 11, 2019, Mr. Deming appeared before Mr. Dodge for some form of pre-  
5 trial hearing in *Nooksack Indian Tribe v. Elile Adams*, No. 2019-CR-A-004, on Ms. Adams’  
6 behalf. That day Ms. Adams was on Bainbridge Island with her father, taking part in  
7 preparations for the Northwest Tribes’ annual Canoe Journey. Ms. Adams and her father  
8 paddled a newly carved cedar canoe along the Puget Sound for miles and miles during Canoe  
9 Journey.

10          28.     On July 19, 2019, Mr. Dodge prepared, signed, and issued a Warrant of Arrest  
11 against Ms. Adams in *Nooksack Indian Tribe v. Elile Adams*, No. 2019-CR-A-004, describing  
12 the underlying charges as “Interference w/ custody x4/contempt x1” and listing a “Reason or  
13 Issuance of Warrant: FTA [Failure to Appear]” (“Tribal Court Warrant”). Mr. Dodge issued the  
14 Tribal Court Warrant even though Mr. Deming appeared for Ms. Adams in *Nooksack Indian*  
15 *Tribe v. Elile Adams* on July 11, 2019.

16          29.     From July 24, 2019 to July 28, 2019, Nooksack Tribal Police, working in concert  
17 with Mr. Dodge saw the Adamses attend the final Canoe Journey Landing and Protocol  
18 ceremonies on the Lummi Reservation.

19          30.     On July 29, 2019, the Adamses returned home, exhausted from Canoe Journey.

20          31.     On the morning of July 30, 2019, the Adamses were asleep or relaxing at home  
21 when Tribal Police officers arrived to the Adamses’ home and assaulted, battered and falsely  
22 detained, arrested and/or imprisoned them (as detailed below). Prior to the Tribal Police  
23 officers’ arrival that morning, they worked with County or Jail personnel to secure a spot in the  
24 Jail for Ms. Adams to be jailed upon her arrest that day.

1           32.     On the afternoon of July 30, 2019, by 2:15 PM, Mr. Dodge denied Ms. Adams’  
2 “Voluntary Non Suit of Elile Adams” in *Nooksack Indian Tribe v. Elile Adams*, No. 2019-CR-  
3 A-004. Mr. Dodge did so admitting: “On this date a warrant for Ms. Adams [sic] arrest in a  
4 pending criminal matter was executed. Ms. Adams is currently in custody.”

5           33.     That afternoon Raymond Dodge also issued a Notice of Hearing in *Nooksack*  
6 *Indian Tribe v. Elile Adams*, No. 2019-CR-A-004 for August 8, 2019 at 1:30 p.m.

7           34.     On July 31, 2019, Mr. Dodge issued a Criminal Summons prepared by the Tribe’s  
8 Office of Tribal Attorney, to Ms. Adams, in *Nooksack Indian Tribe v. Elile Adams*, No. 2019-  
9 CR-A-004. Mr. Dodge ordered her initial appearance at a hearing before the Tribal Court on  
10 August 8, 2019 at 9:30 a.m.

11           35.     On August 6, 2019, Mr. Dodge continued the initial hearing in *Nooksack Indian*  
12 *Tribe v. Elile Adams*, No. 2019-CR-A-004, until September 12, 2019 at 9:30 a.m.; and the  
13 hearing in *In re the Matter of Z. A.-G.*, No. 2017-CI-PP-001, for a future date, pending some  
14 “forensic interview report” that he commissioned.

15           36.     On August 7, 2019, Mr. Dodge caused an appearance notice filed by Ms. Adams’  
16 counsel, Gabriel S. Galanda, in *In re the Matter of Z. A.-G.*, No. 2017-CI-PP-001, to be  
17 “REJECTED” by the Nooksack Tribal Court, thereby denying Ms. Adams her constitutional  
18 right to counsel.

19     **D.     THE EVENTS OF JULY 30, 2019**

20           37.     At or about 10:00 AM on July 30, 2019, Tribal Police officers arrived to the  
21 Adamses’ home. The Adamses were all asleep or relaxing at home in their pajamas, having  
22 returned from Canoe Journey the day prior. George Adams opened the front door a few inches  
23 and saw the Tribal Police standing on his porch. Officer Francisco Sanchez said, “Is Elile here?  
24 We have a warrant for her arrest.”



1 38. At no time on July 30, 2019 did the Tribal Police ever present the Tribal Court  
2 Warrant to either George Adams or Elile Adams.

3 39. George Adams advised the Tribal Police that he was going to call the Whatcom  
4 County Sheriff's Office because both Ms. Adams and her daughter are enrolled Lummi Nation  
5 citizens, not Nooksack Tribal members. George Adams further advised them he needed to get  
6 Mr. Galanda on the phone, whom he proceeded to call.

7 40. After the Adamses phoned Mr. Galanda from George Adams' cell phone, George  
8 Adams stepped out his front door with Mr. Galanda on speaker phone. While George Adams  
9 had still been inside, the Tribal Police had walked away from his front door towards the edge of  
10 the Adamses' driveway.

11 41. George Adams calmly proceeded towards the Tribal Police asking, "Who is the  
12 highest ranking officer?" Francisco Sanchez identified himself as "Sergeant Sanchez." Mr.  
13 Galanda asked him to identify himself by full name and badge number. Sergeant Sanchez  
14 refused.

15 42. Mr. Galanda indicated he would begin to record their conversation, which he did.  
16 According to a four-minute, thirty-second audio recording:

17 Mr. Galanda: Can you still hear me?

18 George Adams: Yeah.

19 Mr. Galanda: Alright I'll just record it on my end.

20 George Adams: Okay.

21 Mr. Galanda: Sgt. Sanchez, can you please give me your name and badge  
22 number?

(indiscernible - radio noise)

23 Mr. Galanda: Sgt. Sanchez, are you there?

(indiscernible - radio noise)

24 Mr. Galanda: Sgt. Sanchez, this is Gabriel Galanda, I represent Elile Adams.  
25 Can please identify yourself by name and badge number?

(indiscernible - radio noise)

Mr. Galanda: Can you hear me?

Sergeant Sanchez: I'm here. We're not going to be talking with ya. We're not. We're  
not speaking with you. In fact, George, right now, because you refuse to let us go to  
the house, and you know she's in the house, we're placing you under arrest for  
obstruction, okay?

1 Mr. Adams: Okay . . .  
Mr. Galanda: Let me, let me advise you of a few things  
2 (indiscernible/yelling)  
Mr. Adams: Okay. . . don't touch . . . (indiscernible)  
3 Sergeant Sanchez: George, listen George  
Mr. Galanda: You have no lawful authority to put your hands on him.  
4 Sergeant Sanchez: Relax.  
Mr. Galanda: You have no lawful authority to put your hands on him.  
5 (indiscernible)  
George Adams: Leave my phone alone!  
6 Mr. Galanda: This is being recorded.  
(indiscernible)  
7 Mr. Galanda: Please be advised you have no lawful authority under Nooksack  
law to issue any warrant or cause any arrest.  
8 (indiscernible)  
Mr. Adams: Hey, get your hands off my phone . . . Hey . . .  
9 Officer Bennett: George, relax.  
(indiscernible)  
10 George Adams: . . . my phone (indiscernible yelling)  
Officer Bennett: Put your hands behind your back  
11 (indiscernible yelling)  
Officer Bennett: Relax, George.  
12 George Adams: Hey!  
Mr. Galanda: Please be advised you have no lawful authority to cause any arrest  
13 or search of this home. This is all being recorded, George.  
Officer Bennett: Relax, relax.  
14 Mr. Galanda: This is all being recorded, George  
Officer Bennett: Relax.  
15 George Adams: Hey!  
Officer Bennett: Relax.  
16 Mr. Galanda: You have no lawful authority. Any warrant has been issued  
without lawful authority. This arrest is being caused without lawful authority.  
17 (indiscernible)  
Mr. Galanda: Sgt. Sanchez, are you there?  
18 (static)  
(indiscernible yelling)  
19 George Adams: Hey  
(static)  
20

21 43. When Mr. Galanda said, "Sgt. Sanchez, this is Gabriel Galanda, I represent Elile  
22 Adams. Can please identify yourself by name and badge number?" Tribal Officer Daniel  
23 Bennett, who had been on his cell phone with another officer, rushed up to where Sergeant  
24 Sanchez and George Adams were conversing.

25

1 44. While rushing towards Sergeant Sanchez and George Adams, Mr. Bennett  
2 frantically waived his arms from side to side as if to say, “No, this is not happening.” Mr.  
3 Bennett told Sergeant Sanchez, “Don’t say a word.”

4 45. Mr. Bennett hit a button on his body camera at that time, to either activate or de-  
5 activate the device.

6 46. Then when Mr. Galanda asked Sergeant Sanchez, “Can you hear me?”, the Tribal  
7 Police officers each grabbed George Adams by his arms.

8 47. Mr. Bennett slapped George Adams’ phone out of his hand to distract him before  
9 kneeing him in the groin with a karate-like move. Tribal Police officers Sanchez, Bennett, and  
10 Brandon Farstad threw him against a concrete sidewalk and stairway, causing bleeding to his  
11 hand and contusions to his legs. Officer Farstad placed him in a chokehold for in upwards of a  
12 minute. Officers Sanchez, Bennett, and Farstad violently rotated his torso and handcuffed his  
13 hands behind his back, spraining the toes in his left foot. They destroyed his prescription eye-  
14 glasses:



1 48. The Tribal Police confiscated George Adams' phone and Officer Farstad detained  
2 him in the back of a hot patrol car without cracking the window for over thirty minutes before  
3 citing him for "Obstructing a Public Official" and "Resisting Arrest."

4 49. At 10:09 a.m., Mr. Galanda emailed Respondent Sheriff Elfo:

5 I just hung up a recorded call with Nooksack Sgt. Sanchez who is in the process  
6 of unlawfully arresting George Adams purportedly for obstruction of justice  
7 because he put me on a speakerphone to inquire about a Nooksack Tribal Court  
8 warrant that Sgt. Sanchez was attempting to serve upon his daughter and his  
9 home. Sgt. Sanchez would not identify himself or his fellow officers by full name  
10 or badge number. PLEASE BE ADVISED THAT ANY ARREST BY  
11 NOOKSACK POLICE OR ANY ENTRY INTO THE HOME IS BEING  
12 CONDUCTED WITHOUT LAWFUL AUTHORITY.

13 50. By 10:30 a.m., Officer Bennett had entered the Adamses' home to arrest Ms.  
14 Adams. Officer Bennett walked upstairs unannounced, passing Ms. Adams' child who was  
15 sitting on the couch watching Disney cartoons. Ms. Adams told the officer from atop the  
16 staircase, "You're not supposed to be here. You don't have my consent to be here."

17 51. Officer Bennett ignored her statements and told her she was under arrest.

18 52. Ms. Adams then gave her child a hug and a kiss and went outside, where she was  
19 frisked and arrested by Officer Farstad. Officer Farstad handcuffed her arms behind her back  
20 and confiscated her cell phone, too.

21 53. The Tribal Police refused to speak to Mr. Galanda or allow Mr. Galanda to speak  
22 to Mr. or Ms. Adams.

23 54. At 10:23 a.m., Mr. Galanda again emailed the Respondent Sheriff Elfo:

24 Please be advised that any purported arrest of George or Elile Adams by  
25 Nooksack police, pursuant to some form of warrant issued by purported Judge  
Ray Dodge or relates arrest, is unlawful. Neither Dodge nor Nooksack police  
officers possess lawful authority to affect any arrest or search upon the  
Adamses. Whatcom County should refuse to accept custody of George or Elile  
Adams. Please advise.

1 55. Sargent Sanchez transported Ms. Adams to the County Jail, where she was  
2 booked into custody at 11:12 a.m. “for contempt of court/failure to appear” before the Tribal  
3 Court in *Nooksack Indian Tribe v. Elile Adams*, No. 2019-CR-A-004.

4 56. Sargent Sanchez lacked jurisdiction to detain or transport Ms. Adams beyond  
5 Nooksack trust lands. *State v. Eriksen*, 172 Wn.2d. 506, 509, 25 P.3d 1079 (2011).

6 57. Upon being brought to the County Jail, Ms. Adams was placed in an isolation cell  
7 for nearly two hours, with her arms handcuffed behind her back. She was experiencing carpal  
8 tunnel syndrome pain and numbness due to being handcuffed for such a long period of time.  
9 Her arms and fingers went numb. She felt burning sensations of pain.

10 58. When Ms. Adams was then booked into the County Jail, Whatcom County  
11 Sheriff’s Deputy David Kimball commented: “This is a bogus charge.”

12 59. Deputy Kimball took off her handcuffs, noting that the Tribal Police had placed  
13 the handcuffs on her upside down.

14 60. Deputy Kimball took her mug shot and confiscated her belongings. He then  
15 escorted her to the County Jail, where she was placed in cellblock “3K” with the general inmate  
16 population. Twenty other women were in the same cell, which reeked of urine. She cried.

17 61. Ms. Adams was incarcerated at the County Jail for nearly eight hours. County Jail  
18 personnel released her after George Adams posted \$500.00 bail for her, after 7:57 p.m.,  
19 ordering her to appear in Nooksack Tribal Court on August 21, 2019, at 11:00 a.m. in *Nooksack*  
20 *Indian Tribe v. Elile Adams*, No. 2019-CR-A-004.

21 62. Because a defendant released on bail or on his own recognizance is “in custody”  
22 within the meaning of 28 U.S.C. §§ 2241(c)(3) and 2254(a), Ms. Adams is currently in custody  
23 and is therefore a proper petitioner for *habeas* relief. *Hensley v. Municipal Court*, 411 U.S. 345  
24 (1973); *Schauer v. Burleigh Cty.*, 626 F. Supp. 61, 63 (D.N.D. 1985).

63. Petitioner’s detention is based solely upon the Tribal Court Warrant. Respondents have not sought nor obtained from any state court a warrant for the arrest of Petitioner. Petitioner was never brought before a state court judge.

**V. GROUNDS CLAIMED AND REASONS FOR ISSUING WRIT**

64. Petitioner is being detained, in the custody of Whatcom County, pursuant to the Tribal Court Warrant that was issued without due process, legal authority, or jurisdiction.

65. Petitioner is being detained, in the custody of Whatcom County, pursuant to a Tribal Court Warrant that has no force or validity beyond Nooksack trust lands.

**VI. PRAYER FOR RELIEF**

WHEREFORE, Petitioner prays for the following relief:

1. Issue a writ of *habeas corpus* to have Petitioner brought before the Court to the end that she may be discharged from her unlawful detention and restraint;
2. An award of reasonable attorneys’ fees and costs; and
3. Such other relief as may be appropriate and to dispose of the matter as law and justice requires.

DATED this 13th day of August, 2019.

GALANDA BROADMAN, PLLC

s/ Gabriel S. Galanda

Gabriel S. Galanda, WSBA #30331

s/ Ryan D. Dreveskracht

Ryan D. Dreveskracht, WSBA #42593

s/ Bree R. Black Horse

Bree R. Black Horse, WSBA #47803

Attorneys for Petitioners

P.O. Box 15146, Seattle, WA 98115

(206) 557-7509 Fax: (206) 299-7690

Email: gabe@galandabroadman.com

Email: ryan@galandabroadman.com

Email: bree@galandabroadman.com