

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
DAKOTA, CENTRAL DIVISION

Ronald E. Rousseau v. Judge Kimberly Craven, in her official
capacity as CRST Attorney General; and Brenda Claymore, in her
official capacity as CRST Chief Judge

Rousseau · No. 3:25-CV-03028-RAL · Decided May 27, 2026

SUMMARY

The United States District Court for the District of South Dakota dismissed without prejudice Ronald E. Rousseau’s petition under 25 U.S.C. § 1303 and 28 U.S.C. § 2241 challenging his arrest and detention by the Cheyenne River Sioux Tribe. The court held that Rousseau had not exhausted his tribal court remedies and found no basis to excuse exhaustion as futile, while declining to reach the detention issue. The court adopted the magistrate judge’s report and recommendation in part, granted the respondents’ motion to dismiss, and overruled Rousseau’s objections.

CASE DETAILS

COURT	United States District Court for the District of South Dakota, Central Division
WRITING FOR THE COURT	Roberto A. Lange
JURISDICTION	United States District Court for the District of South Dakota, Central Division
DECIDED	May 27, 2026
DOCKET	3:25-CV-03028-RAL
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under the Indian Civil Rights Act, 25 U.S.C. § 1303, and 28 U.S.C. § 2241, challenging his arrest and detention by the Cheyenne River Sioux Tribe. After a magistrate judge recommended staying the case for exhaustion of tribal remedies, the district court conducted de novo review, granted respondents' motion to dismiss, and dismissed the petition without prejudice.
STANDARD OF REVIEW	De novo review of the magistrate judge's report and recommendation and the portions to which objections were made under 28 U.S.C. § 636(b)(1)(C) and Federal Rule of Civil Procedure 72(b).

PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Ronald E. Rousseau v. Judge Kimberly Craven, in her official capacity as CRST Attorney General, Brenda Claymore, in her official capacity as CRST Chief Judge

TOPICS

federal habeas corpus tribal sovereignty indian affairs post-conviction relief civil procedure

PRACTICE AREAS

federal Indian law habeas corpus tribal court exhaustion civil procedure

QUESTIONS PRESENTED

1. Whether Rousseau was required to exhaust available Cheyenne River Sioux tribal court remedies before seeking habeas relief under 25 U.S.C. § 1303.
2. Whether the record established that exhaustion should be excused as futile because the tribal court system was allegedly nonfunctioning or unreasonably delayed.
3. Whether the petition should be dismissed without prejudice or stayed pending exhaustion of tribal remedies.

HOLDINGS

1. A petitioner seeking habeas relief under 25 U.S.C. § 1303 generally must exhaust tribal court remedies before invoking federal jurisdiction, including allowing the tribal appellate courts an opportunity to review the lower tribal court's determinations.
2. Exhaustion may be excused in rare circumstances, such as when the tribal court system is not functioning or appellate review is extraordinarily delayed, but Rousseau failed to establish such circumstances.
3. The court did not decide whether Rousseau was in detention within the meaning of § 1303 because failure to exhaust tribal remedies independently required dismissal.

KEY QUOTATIONS

“Before hearing a habeas petition under the Indian Civil Rights Act, a court must first determine (1) whether the petitioner has exhausted their trial remedies and (2) whether the petitioner is in “detention” under § 1303.” (Discussion, Part A)

“Exhaustion of tribal remedies may be excused as futile in rare cases, such as where there is no functioning court.” (Discussion, Part A)

“Rousseau’s petition is dismissed without prejudice to refiling following his exhaustion of tribal remedies.” (Conclusion)

FACTUAL BACKGROUND

CRST law enforcement arrested Rousseau on November 6, 2025, while he was repairing equipment allegedly belonging to his father's business, Ted's, Inc. He was charged with tribal offenses including public nuisance, criminal conspiracy, trespass, disorderly conduct, and theft, and was detained for approximately 22 hours before release on a \$500 bond. At the time of the federal proceedings, the tribal criminal case remained pending pretrial, with Rousseau released on personal recognizance and a pretrial hearing scheduled for August 10, 2026.

PROCEDURAL HISTORY

Rousseau filed a pro se petition shortly after his November 2025 tribal arrest and alleged detention. The court previously dismissed his non-habeas claims without prejudice, dismissed all respondents except Craven and Claymore, and allowed limited consideration of his amended petition and exhibits. The remaining respondents moved to dismiss or stay pending exhaustion. The magistrate judge recommended a stay, Rousseau objected, and the district court adopted the recommendation in part but dismissed the petition without prejudice at Rousseau's request.

DISPOSITION

dismissed

CASES CITED

- Iowa Mutual Insurance Co. v. LaPlante, 480 U.S. 9, 14-18 (1987)
- Farmers Union Insurance v. Crow Tribe of Indians, 471 U.S. 845, 856 (1985)
- Ninigret Development Corp. v. Narragansett Indian Wetuomuck Housing Authority, 207 F.3d 21, 33 (1st Cir. 2000)
- Kerr-McGee Corp. v. Farley, 115 F.3d 1498, 1507 (10th Cir. 1997)
- DISH Network Service LLC v. Laducer, 725 F.3d 877, 882-83 (8th Cir. 2013)
- Duncan Energy Co. v. Three Affiliated Tribes of Fort Berthold Reservation, 27 F.3d 1294, 1299 (8th Cir. 1994)
- Nygaard v. Taylor, 563 F. Supp. 3d 992, 1011-18 (D.S.D. 2021)
- Alvarez v. Lopez, 835 F.3d 1024, 1027 (9th Cir. 2016)
- Chegup v. Ute Indian Tribe of Uintah and Ouray Reservation, 28 F.4th 1051, 1061-62 (10th Cir. 2022)
- Janis v. Wilson, 521 F.2d 724, 726-27 (8th Cir. 1975)
- Colombe v. Rosebud Sioux Tribe, 747 F.3d 1020, 1024-25 (8th Cir. 2014)
- WPX Energy Williston, LLC v. Jones, 72 F.4th 834, 837, 839 (8th Cir. 2023)
- Krempel v. Prairie Island Indian Community, 125 F.3d 621, 622 (8th Cir. 1997)
- Johnson v. Gila River Indian Community, 174 F.3d 1032, 1036 (9th Cir. 1999)
- Carter v. Buesgen, 10 F.4th 715, 716, 723 (7th Cir. 2021)
- Gillette v. Marcellais, No. A4-04-123, 2004 WL 2677268, at *3 (D.N.D. Nov. 22, 2004)
- Walton v. Tesuque Pueblo, 443 F.3d 1274, 1279 (10th Cir. 2006)

- Poodry v. Tonawanda Band of Seneca Indians, 85 F.3d 874, 894 (2d Cir. 1996)
- Hensley v. Municipal Court, 411 U.S. 345, 351 (1973)
- Justices of Boston Municipal Court v. Lydon, 466 U.S. 294, 301 (1984)
- Azure v. Turtle Mountain Tribal Court, No. 4:08-CV-095, 2009 WL 113597, at *2-3 (D.N.D. Jan. 15, 2009)
- Necklace v. Tribal Court of Three Affiliated Tribes of Fort Berthold Reservation, 554 F.2d 845, 846 (8th Cir. 1977)

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