

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

Rousseau v. Cheyenne River Sioux Tribe, et al.

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

SUMMARY

The United States District Court for the District of South Dakota adopted a magistrate judge’s report and recommendation in Ronald E. Rousseau’s petition for habeas relief under 25 U.S.C. § 1303 and 28 U.S.C. § 2241. The court dismissed Rousseau’s non-habeas claims without prejudice, dismissed all respondents except Kimberly Craven and Brenda Claymore, overruled his objections, and granted his motion to amend only to the limited extent that the amended allegations and exhibits could be considered in evaluating his habeas claims. The court ordered the remaining respondents to respond and address detention and exhaustion of tribal remedies.

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	January 27, 2026
DOCKET	3:25-CV-03028-RAL
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought habeas relief under 25 U.S.C. § 1303 and 28 U.S.C. § 2241 after a 22-hour detention by the Cheyenne River Sioux Tribe. The district court reviewed objections to a magistrate judge's report and recommendation dismissing non-habeas claims without prejudice and recommending dismissal of all but two respondents, and reviewed objections to a preliminary order requiring briefing on detention and exhaustion. The court also ruled on petitioner's motion to amend and supplement.
STANDARD OF REVIEW	De novo review applies to objections to dispositive matters under 28 U.S.C. § 636(b)(1)(C) and Federal Rule of Civil Procedure 72(b). Objections to nondispositive pretrial matters are reviewed under the clearly erroneous or contrary to law standard under Rule 72(a).

PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Ronald E. Rousseau v. Cheyenne River Sioux Tribe, Kimberly Craven, Brenda Claymore, Frankie Viet, Dale Iron Lightning, Winona Pretty Weasel, Joe Brings Plenty Jr., Derreck James Eagle, Jordan Turning Heart, Nika Serrano, Frankie Rousseau, Kirby Blue Coat, Unknown Tribal Officials, Unknown BIA Agents, Charles Addington, Scott Davis, Doug Burgum, Alison J. Ramsdell, John Burge, Richard Melville, Bartholomew Stevens, Gregg Bourland, BIA Cheyenne River Agency

TOPICS

federal habeas corpus

tribal jurisdiction

indian affairs

subject matter jurisdiction

motion to amend

PRACTICE AREAS

federal habeas corpus

tribal jurisdiction

indian affairs

civil procedure

post-conviction relief

QUESTIONS PRESENTED

1. Whether Rousseau could combine habeas claims under 25 U.S.C. § 1303 with claims for declaratory, injunctive, disciplinary, and other non-habeas relief in the same petition.
2. Which respondents are proper respondents in a § 1303 habeas proceeding challenging tribal custody.
3. Whether the record established detention sufficient to invoke federal jurisdiction under § 1303.
4. Whether Rousseau had exhausted tribal court remedies or established grounds to excuse exhaustion.
5. Whether Rousseau should be permitted to amend the petition to add respondents and additional non-habeas claims and to supplement the record with amended allegations and exhibits.

HOLDINGS

1. Rousseau's claims for declaratory, injunctive, disciplinary, disqualification, and jail-shutdown relief are beyond the relief available through his habeas petition and were properly dismissed without prejudice to refiling in a separate civil action.
2. In a § 1303 habeas case, the proper respondents are the persons or entities exercising legal control over the challenged custody; the CRST and the other named individuals lacked authority to provide the requested habeas relief, while Kimberly Craven and Brenda Claymore appeared to be proper respondents.
3. A petitioner must be detained for a federal court to have jurisdiction under § 1303, but the record at this stage was insufficient to determine whether Rousseau remained detained; requiring the remaining respondents to brief detention was therefore proper.
4. Rousseau had not shown that he exhausted tribal court remedies or that exhaustion should be excused; the magistrate judge properly directed the remaining respondents to brief exhaustion.

5. The motion to amend was denied insofar as it sought to add improper respondents or revive and expand non-habeas claims, but granted to the limited extent that the court could consider the amended allegations and attached exhibits in deciding the habeas petition.

KEY QUOTATIONS

“[A] habeas petitioner who challenges a form of ‘custody’ other than present physical confinement may name as respondent the entity or person who exercises legal control with respect to the challenged ‘custody.’” (II.B)

FACTUAL BACKGROUND

CRST law enforcement arrested Rousseau on November 6, 2025, while he was repairing assets associated with his father's business, Ted's, Inc. He was charged with public nuisance, criminal conspiracy, trespass, disorderly conduct, and theft, and was detained for approximately 22 hours before being released on November 7 on a \$500 cash bond with a no-like-offenses condition. Rousseau alleged that the detention conditions were unsanitary and unsafe and that he was denied medical care and prayer services. His claims arose in part from a dispute with his sister, who held power of attorney over their father's property and appeared to control Ted's, Inc.

PROCEDURAL HISTORY

Rousseau filed a pro se petition challenging his tribal arrest and detention and named 22 respondents. Magistrate Judge Mark A. Moreno recommended dismissal without prejudice of the non-habeas claims and dismissal of all but Kimberly Craven and Brenda Claymore, while directing the remaining respondents to address detention and exhaustion. The district court adopted the recommendation, overruled Rousseau's objections, denied most of his motion to amend, allowed the amended petition and exhibits to be considered to a limited extent, and ordered Craven and Claymore to respond within 20 days.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand. Respondents Brenda Claymore and Kimberly Craven were ordered to respond to the habeas petition and brief detention and exhaustion within 20 days.

CASES CITED

- Rousseau v. Cheyenne River Sioux Tribe, 2025 WL 1476467, at *1 (D.S.D. May 21, 2025)
- Rumsfeld v. Padilla, 542 U.S. 426, 438 (2004)
- Reynolds v. Davis, No. 22-1234, 2023 WL 5767719, at *3 (E.D. La. Aug. 15, 2023)
- Walton v. Tesuque Pueblo, 443 F.3d 1274, 1279 (10th Cir. 2006)
- Chegup v. Ute Indian Tribe of Uintah & Ouray Rsrv., 28 F.4th 1051, 1061 (10th Cir. 2022)
- WPX Energy Williston, LLC v. Jones, 72 F.4th 834, 837 (8th Cir. 2023)
- Iowa Mut. Ins. Co. v. LaPlante, 480 U.S. 9, 17 (1987)

- Krempel v. Prairie Island Indian Cmty., 125 F.3d 621, 622 (8th Cir. 1997)
- Johnson v. Gila River Indian Cmty., 174 F.3d 1032, 1036 (9th Cir. 1999)
- Carter v. Buesgen, 10 F.4th 715, 716, 723 (7th Cir. 2021)

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