

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Alexander Dickerson v. Bureau of Indian Affairs and Lawrence
William Brunette

Dickerson v. Bureau of Indian Affairs · No. 25-cv-704-jdp · Decided November 25, 2025

SUMMARY

The United States District Court for the Western District of Wisconsin dismissed Alexander Dickerson’s claims against the Bureau of Indian Affairs because sovereign immunity barred challenges concerning land claimed by the United States as trust or restricted Indian land. The court also dismissed claims against Lawrence William Brunette because he died before the lawsuit was filed. The complaint was dismissed without leave to amend, and the case was closed.

CASE DETAILS

COURT	United States District Court for the Western District of Wisconsin
WRITING FOR THE COURT	James D. Peterson
JURISDICTION	United States District Court for the Western District of Wisconsin
DECIDED	November 25, 2025
DOCKET	25-cv-704-jdp
DISPOSITION	dismissed
PROCEDURAL POSTURE	The Bureau of Indian Affairs moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss claims removed from Sawyer County Circuit Court. The court dismissed the claims against the Bureau on sovereign-immunity grounds and dismissed the claims against Brunette because he died before the lawsuit was filed.
STANDARD OF REVIEW	On a motion to dismiss, the court considered the complaint and the warranty deed incorporated by reference into the complaint. The court applied the Rule 12(b)(6) standard and treated sovereign immunity as dispositive.
PRECEDENTIAL VALUE	unpublished district court opinion; precedential status unknown
PARTIES	Alexander Dickerson v. Bureau of Indian Affairs, Lawrence William Brunette

TOPICS

motions to dismiss

indian affairs

title disputes

subject matter jurisdiction

civil procedure

PRACTICE AREAS

civil procedure

sovereign immunity

Indian affairs

real estate

QUESTIONS PRESENTED

1. Whether sovereign immunity barred Dickerson's claims against the Bureau of Indian Affairs concerning land in which the United States claimed an interest as trust or restricted Indian land.
2. Whether Dickerson could maintain claims against Lawrence William Brunette when Brunette died before the lawsuit was filed.
3. Whether Dickerson should be granted leave to amend his complaint.

HOLDINGS

1. The Quiet Title Act's waiver of federal sovereign immunity does not apply when the United States claims an interest in land as trust or restricted Indian land. Because Dickerson's allegations and the incorporated warranty deed showed that the United States claimed an interest in the disputed land in that capacity, his claims against the Bureau were barred by sovereign immunity.
2. A plaintiff cannot maintain a federal lawsuit against a person who died before the lawsuit was brought, and substitution under Federal Rule of Civil Procedure 25(a)(1) is unavailable in that circumstance.
3. Leave to amend was properly denied because further amendment would be futile.

KEY QUOTATIONS

“The Quiet Title Act of 1972, 28 U.S.C. § 2409a, is “the exclusive means by which adverse claimants [can] challenge the United States’ title to real property.”” (Analysis)

“But this waiver of sovereign immunity is limited, including by “the preservation of immunity in cases where the United States claims an interest in land as trust or restricted Indian land.”” (Analysis)

“A party cannot maintain a federal lawsuit against a dead person.” (Analysis)

FACTUAL BACKGROUND

Dickerson alleged that Lawrence William Brunette, using the alias Lawrence William Manypenny, fraudulently recorded a 1980 warranty deed concerning 80 acres of federal Indian land. The deed stated that the land had been purchased by the United States in trust for Brunette, and Dickerson alleged that the land belonged to the Manypenny family and that his late wife was an heir. Dickerson also alleged that the Bureau conducted a right-of-way agreement without the Manypenny family's input and sought damages and injunctive relief.

PROCEDURAL HISTORY

Dickerson filed a small claims action in Sawyer County Circuit Court against the Bureau of Indian Affairs and Lawrence William Brunette. The Bureau removed the case to the Western District of Wisconsin and moved to dismiss. The federal court granted the Bureau's corrected motion, denied the original motion as moot, dismissed the complaint without leave to amend, and directed the clerk to enter judgment and close the case.

DISPOSITION

dismissed

CASES CITED

- Tellabs, Inc. v. Makor Issues & Rts., Ltd., 551 U.S. 308, 322 (2007)
- Block v. N. Dakota ex rel. Bd. of Univ. & Sch. Lands, 461 U.S. 273, 286 (1983)
- Shawnee Trail Conservancy v. U.S. Dep't of Agric., 222 F.3d 383, 388 (7th Cir. 2000)
- United States v. Mottaz, 476 U.S. 834, 843 (1986)
- LN Mgmt., LLC v. JPMorgan Chase Bank, N.A., 957 F.3d 943, 955 (9th Cir. 2020)
- Macklin v. Serrano, No. 19-cv-583, 2020 WL 6323079, at *2 (E.D. Wis. Oct. 28, 2020)
- Felton v. City of Chicago, 827 F.3d 632, 636 (7th Cir. 2016)
- Bogie v. Rosenberg, 705 F.3d 603, 608 (7th Cir. 2013)

OPINION

Alexander Dickerson v. Bureau of Indian Affairs and Lawrence William Brunette

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WISCONSIN

ALEXANDER DICKERSON,

Plaintiff, v. OPINION and ORDER BUREAU OF INDIAN AFFAIRS and LAWRENCE 25-cv-704-jdp

WILLIAM BRUNETTE,

Defendants. Plaintiff Alexander Dickerson, proceeding without counsel, alleges that defendants fraudulently deprived his family of its interests in federal Indian lands. Defendant Bureau of Indian Affairs moves to dismiss Dickerson's claims against the Bureau pursuant to Federal Rule of Civil Procedure 12(b)(6). Dkt. 7. The Bureau argues that the complaint should be dismissed because, among other reasons, it is barred by sovereign immunity. The court concludes that sovereign immunity applies because Dickerson's allegations and a warranty deed incorporated into the complaint by reference show that the government claims an interest in the federal Indian lands at issue. Defendant Lawrence William Brunette died before Dickerson brought this case, which precludes Dickerson from proceeding against Brunette. I will grant the Bureau's motion and dismiss the complaint without leave to amend.

BACKGROUND

The background is drawn from the complaint and the warranty deed incorporated into it by reference, which I may consider on a motion to dismiss. See *Tellabs, Inc. v. Makor Issues & Rts., Ltd.*, 551 U.S. 308, 322 (2007). Dickerson brought a small claims action in the Sawyer County Circuit Court against the Bureau and Brunette. Dkt. 1-1. The Bureau removed the complaint to this court. Dkt. 1. In the complaint, Dickerson alleges that Brunette, under the alias Lawrence William Manypenny, filed a fraudulent warranty deed to 80 acres of “federal Indian Land in the 1980s.” *Id.* at 5. The warranty deed, which was recorded in July 1980, says that the land was purchased by the United States in trust for Brunette. Dkt. 20-3 at 2. Dickerson alleges that Brunette “claimed a false identity as direct descendant of the Manypenny family who inherited the land through probate.” Dkt. 1-1 at 5. The land, according to Dickerson, belongs to the family of Mandy F. Manypenny. Dickerson says his late wife, Charlotte Lois Manypenny Dickerson, “is listed as Mandy F. Manypenny’s rightful heir on her official [Bureau] Will and Testament.” *Id.* Dickerson adds that when Brunette filed the fraudulent warranty deed, the Bureau “conducted a Right of Way agreement without the Manypenny family[’s] input.” *Id.* Dickerson seeks damages and injunctive relief. See *id.*

ANALYSIS

The Bureau’s sovereign immunity argument is conclusive, so I will not consider its other reasons for dismissal. The Quiet Title Act of 1972, 28 U.S.C. § 2409a, is “the exclusive means by which adverse claimants [can] challenge the United States’ title to real property.” *Block v. N. Dakota ex rel. Bd. of Univ. & Sch. Lands*, 461 U.S. 273, 286 (1983). In adopting the Act, “Congress waived the United States’ sovereign immunity to suits challenging the United States’ title to land.” *Shawnee Trail Conservancy v. U.S. Dep’t of Agric.*, 222 F.3d 383, 388 (7th Cir. 2000). But this waiver of sovereign immunity is limited, including by “the preservation of immunity in cases where the United States claims an interest in land as trust or restricted Indian land.” *Id.* (citing 28 U.S.C. § 2409a(a)). “[W]hen the United States claims an interest in real property based on that property’s status as trust or restricted Indian lands, the . . . Act does not waive the Government’s immunity.” *United States v. Mottaz*, 476 U.S. 834, 843 (1986). Dickerson alleges that Brunette filed a fraudulent warranty deed to federal Indian lands and that the Bureau granted him a right of way to those lands. The warranty deed says that the land was purchased by the United States in trust for Brunette. Dickerson’s allegations and incorporated warranty deed show that the government claims an interest in the lands as trust or restricted Indian lands. Dickerson’s claims, which center on a transaction that occurred in 1980, are barred by sovereign immunity. Dickerson does not directly address the Bureau’s jurisdictional argument in his response, and he appears to concede that the government claims an interest in the property. See Dkt. 9 at 3–4 (stating that the Bureau “started omitting lands from the Manypenny-Dickerson inventory without permission” and that the government has “stolen” the property).¹ I will grant the Bureau’s motion and dismiss Dickerson’s claims against the Bureau. That leaves Dickerson’s claims against Brunette. A party cannot maintain a federal lawsuit against a dead person. *LN Mgmt., LLC v. JPMorgan Chase*

Bank, N.A., 957 F.3d 943, 955 (9th Cir. 2020). Substitution of a proper party for a dead person is allowed in some cases under Federal Rule of Civil Procedure 25(a)(1). *Macklin v. Serrano*, No. 19-cv-583, 2020 WL 6323079, at *2 (E.D. Wis. Oct. 28, 2020). But substitution is not allowed where, as here, the 1 Dickerson filed an identical response after the Bureau replied. See Dkt. 20. person died before the lawsuit was brought. *Id.* Public records show that Brunette died in 2002. I will not allow Dickerson to proceed against Brunette. When a plaintiff proceeds without counsel, the court of appeals has cautioned against dismissing his case without giving him a chance to amend the complaint. *Felton v. City of Chicago*, 827 F.3d 632, 636 (7th Cir. 2016). But leave to amend doesn't have to be granted if it's clear, as it is here, that further amendment would be futile. *Bogie v. Rosenberg*, 705 F.3d 603, 608 (7th Cir. 2013).

ORDER

IT IS ORDERED that:

1. The Bureau of Indian Affairs' corrected motion to dismiss, Dkt. 7, is GRANTED, and the complaint, Dkt. 1-1, is DISMISSED without leave to amend.
2. The Bureau's original motion to dismiss, Dkt. 2, is DENIED as moot.
3. The clerk of court is directed to enter judgment and close the case.

Entered November 24, 2025. BY THE COURT: /s/

JAMES D. PETERSON

District Judge