

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OKLAHOMA

The Cherokee Nation, et al. v. Wade Free et al.

Free · No. 25-CV-0630-CVE-JFJ · Decided June 11, 2026

SUMMARY

The opinion addresses defendants’ motion to dismiss a suit by the Cherokee, Chickasaw, and Choctaw Nations seeking declaratory and injunctive relief concerning the enforcement of Oklahoma hunting and fishing laws against Indians on tribal lands. The court rejects arguments based on sovereign immunity, laches, and lack of standing, concluding that the claims fall within the Ex parte Young exception and present a live dispute concerning tribal regulatory authority. The excerpt begins addressing Younger abstention and related issues but ends before the court’s complete disposition is shown.

CASE DETAILS

COURT	United States District Court for the Northern District of Oklahoma
WRITING FOR THE COURT	Claire V. Eagan
JURISDICTION	United States District Court for the Northern District of Oklahoma
DECIDED	June 11, 2026
DOCKET	25-CV-0630-CVE-JFJ
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved to dismiss the tribal nations' complaint under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), asserting sovereign immunity, laches, lack of Article III standing, Younger abstention, and failure to state a claim.
STANDARD OF REVIEW	For a facial Rule 12(b)(1) attack, the court applied the same standard applicable to a Rule 12(b)(6) motion. The court accepted well-pleaded allegations as true, construed them in the plaintiffs' favor, disregarded conclusory allegations, and considered whether the complaint stated a plausible claim for relief.
PRECEDENTIAL VALUE	Unknown; federal district court opinion and order

PARTIES

The Cherokee Nation, The Chickasaw Nation, The Choctaw Nation v. Wade Free, Nels Rodefelf, Nathan Erdman, Kevin Stitt, Russell Cochran

TOPICS

tribal sovereignty

tribal jurisdiction

subject matter jurisdiction

motions to dismiss

civil procedure

PRACTICE AREAS

Federal Indian law

constitutional law

federal civil procedure

sovereign immunity

federalism

QUESTIONS PRESENTED

1. Whether the claims for declaratory and injunctive relief against state officials fall within the Ex parte Young exception to Eleventh Amendment sovereign immunity.
2. Whether the Nations' claims are barred by laches or acquiescence based on alleged delay in asserting regulatory authority.
3. Whether the Nations have Article III standing to challenge state enforcement of wildlife laws against Indians on tribal lands.
4. Whether Younger abstention is warranted because individual tribal members face ongoing state wildlife prosecutions.
5. Whether the complaint fails to state a claim because the Nations' requested relief is limited or unsupported by the allegations.

HOLDINGS

1. The Nations' claims are not barred by Eleventh Amendment sovereign immunity because they allege ongoing violations of federal law and seek prospective declaratory and injunctive relief against state officials.
2. The claims are not barred by laches because the Nations plausibly alleged prompt assertion of their rights after the challenged state-enforcement policy arose, and defendants failed to show prejudice from delay.
3. The Nations have Article III standing to assert claims based on alleged infringement of their tribal sovereignty by state enforcement of wildlife laws against Indians on their reservations.
4. Younger abstention is not warranted because the state prosecutions do not provide an adequate forum for the Nations to litigate their sovereign claims, and at least the Cherokee Nation could not potentially assert its claims in the identified state proceedings.
5. The complaint states colorable claims for declaratory and injunctive relief concerning the Nations' treaty rights and inherent authority to regulate hunting and fishing on their lands.

KEY QUOTATIONS

“In determining whether the doctrine of Ex Parte Young avoids an Eleventh Amendment bar to suit, a court need only conduct a ‘straightforward inquiry into whether [the] complaint alleges an ongoing violation of federal law and seeks relief properly characterized as prospective.’” (at 6)

“Under the Younger abstention doctrine, federal courts should not ‘interfere with state court proceedings by granting equitable relief—such as injunctions of important state proceedings or declaratory judgments regarding constitutional issues in those proceedings-’ when a state forum provides an adequate avenue for relief.” (at 15-16)

FACTUAL BACKGROUND

The Cherokee, Chickasaw, and Choctaw Nations alleged that treaties and inherent tribal sovereignty authorize them to regulate hunting, fishing, and gathering by Indians on their reservations. Each Nation has wildlife regulations, including seasons, bag limits, licensing requirements, and conservation provisions, and the Nations have a reciprocity agreement concerning enforcement. After Oklahoma officials announced a policy of enforcing state wildlife laws against Indians regardless of the status of the land, state officials cited and prosecuted members of the Choctaw and Chickasaw Nations for hunting without state licenses or tags. The Nations sought prospective declaratory and injunctive relief against enforcement of state wildlife laws on their reservations.

PROCEDURAL HISTORY

The Cherokee, Chickasaw, and Choctaw Nations filed an action seeking declaratory and prospective injunctive relief concerning the enforcement of Oklahoma hunting and fishing laws against Indians on tribal lands. Defendants moved to dismiss. The district court denied the motion in its entirety and ordered the parties to submit an updated joint status report regarding a schedule for final resolution of the claims.

DISPOSITION

other

CASES CITED

- Merrill Lynch Bus. Fin. Servs., Inc. v. Nudell, 363 F.3d 1072, 1074 (10th Cir. 2004)
- Muscogee (Creek) Nation v. Okla. Tax Comm'n, 611 F.3d 1222, 1227 n.1 (10th Cir. 2010)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 562 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 683 (2009)
- Alvarado v. KOB-TV, L.L.C., 493 F.3d 1210, 1215 (10th Cir. 2007)
- Moffett v. Halliburton Energy Servs., Inc., 291 F.3d 1227, 1231 (10th Cir. 2002)
- Erikson v. Pawnee County Board of County Commissioners, 263 F.3d 1151, 1154-55 (10th Cir. 2001)
- Hall v. Bellmon, 935 F.2d 1106, 1109-10 (10th Cir. 1991)
- Ex Parte Young, 209 U.S. 123, 159-60 (1908)
- Board of Trustees of University of Alabama v. Garrett, 531 U.S. 356, 363 (2001)
- Verizon Maryland, Inc. v. Public Serv. Comm'n of Maryland, 535 U.S. 635, 645 (2002)

- *Idaho v. Coeur d'Alene Tribe of Idaho*, 521 U.S. 261 (1997)
- *Timpanogos Tribe v. Conway*, 286 F.3d 1195, 1205 (10th Cir. 2002)
- *Hill v. Kemp*, 478 F.3d 1236, 1259 (10th Cir. 2007)
- *City of Sherrill, New York v. Oneida Indian Nation of New York*, 544 U.S. 197 (2005)
- *Jicarilla Apache Tribe v. Andrus*, 687 F.2d 1324, 1338 (10th Cir. 1982)
- *State of Kansas v. State of Colorado*, 514 U.S. 673, 687 (1995)
- *Biodiversity Conservation Alliance v. Jiron*, 762 F.3d 1036, 1091 (10th Cir. 2014)
- *Mile High Indus. v. Cohen*, 222 F.3d 845, 857 (10th Cir. 2000)
- *McGirt v. Oklahoma*, 591 U.S. 894 (2020)
- *Stroble v. Oklahoma Tax Commission*, 588 P.3d 179 (Okla. 2025)
- *Tandy v. City of Wichita*, 380 F.3d 1277, 1283 (10th Cir. 2004)
- *Kane County v. United States (Kane III)*, 928 F.3d 877, 888 (10th Cir. 2019)
- *Valley Forge Christian College v. Americans United for Separation of Church & State, Inc.*, 454 U.S. 464, 472 (1982)
- *Morgan v. McCotter*, 365 F.3d 882, 888 (10th Cir. 2004)
- *Nova Health Sys. v. Gandy*, 416 F.3d 1149, 1158 (10th Cir. 2005)
- *New England Health Care Employees Pension Fund v. Woodruff*, 512 F.3d 1283, 1288 (10th Cir. 2008)
- *Ute Indian Tribe of the Uintah and Ouray Reservation v. Utah*, 790 F.3d 1000, 1005 (10th Cir. 2015)
- *Wyandotte Nation v. Sebelius*, 443 F.3d 1247, 1255 (10th Cir. 2006)
- *Younger v. Harris*, 401 U.S. 37 (1971)
- *Travelers Casualty Insurance of America v. A-Quality Auto Sales, Inc.*, 98 F.4th 1307, 1317 (10th Cir. 2024)
- *Graff v. Aberdeen Enterprises, II, Inc.*, 65 F.4th 500, 522 (10th Cir. 2023)
- *Weitzel v. Division of Occupational and Professional Licensing of Department of Commerce of the State of Utah*, 240 F.3d 871, 875 (10th Cir. 2001)
- *Sprint Communications, Inc. v. Jacobs*, 571 U.S. 69, 80-82 (2013)
- *Chapman v. Oklahoma*, 472 F.3d 747, 749 (10th Cir. 2006)
- *Middlesex County Ethics Committee v. Garden State Bar Association*, 457 U.S. 423 (1982)
- *D.L. v. Unified School District No. 497*, 392 F.3d 1223 (10th Cir. 2004)
- *Kesters Merchandising Display Int'l, Inc. v. SurfaceQuest, Inc.*, 163 F.4th 1309, 1313 (10th Cir. 2026)

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