

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Gloria Walker, et al. v. Doug Burgum, et al.

Walker · No. 80-cv-04595-WHO · Decided July 23, 2025

SUMMARY

The United States District Court for the Northern District of California denied a motion by individuals claiming membership in the historic Table Mountain Band of Indians to enforce or modify a 1983 stipulated judgment. The court held that the movants were not parties or members of the certified classes, that the motion was untimely under 28 U.S.C. § 2401(a), and that the court lacked jurisdiction, including ancillary jurisdiction, to grant the requested relief. The motion was denied without leave to amend.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	William H. Orrick
JURISDICTION	United States District Court for the Northern District of California
DECIDED	July 23, 2025
DOCKET	80-cv-04595-WHO
DISPOSITION	other
PROCEDURAL POSTURE	Individual movants who were not parties to, and were not members of the certified classes in, a 1983 stipulated judgment moved under Federal Rule of Civil Procedure 60(b)(6) for an order to show cause and to enforce that judgment against federal officials concerning tribal recognition and governance.
STANDARD OF REVIEW	The court evaluated timeliness under 28 U.S.C. § 2401(a), the reasonable-time and extraordinary-circumstances requirements of Rule 60(b)(6), and the existence of ancillary or other federal jurisdiction to enforce the stipulated judgment.
PRECEDENTIAL VALUE	unpublished
PARTIES	Gloria Walker, et al. v. Doug Burgum, et al.

TOPICS

civil procedure

subject matter jurisdiction

statute of limitations

tribal jurisdiction

indian affairs

PRACTICE AREAS

civil procedure

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Indian affairs

remedies

QUESTIONS PRESENTED

1. Whether the movants' Rule 60(b)(6) motion to enforce the 1983 stipulated judgment was barred by the six-year limitations period in 28 U.S.C. § 2401(a).
2. Whether the movants' invocation of 5 U.S.C. § 706(1) avoided the limitations problem despite the absence of an underlying Administrative Procedure Act claim.
3. Whether the court retained ancillary jurisdiction to enforce the 1983 stipulated judgment more than forty years after entry, despite the judgment's one-year retention-of-jurisdiction provision and the movants' nonparty status.
4. Whether Rule 60(b)(6) supplied jurisdiction or otherwise authorized the requested enforcement relief.
5. Whether the motion was brought within a reasonable time and whether extraordinary circumstances justified relief under Rule 60(b)(6).

HOLDINGS

1. The motion was untimely because the movants filed it more than six years after they knew or reasonably should have known of the alleged injury, and they offered no credible basis for extending the limitations period.
2. The movants could not use the potential treatment of some APA § 706(1) failure-to-act claims to avoid the limitations bar because they had not asserted an underlying APA claim.
3. The court lacked ancillary jurisdiction to enforce the 1983 stipulated judgment because the judgment's one-year retention-of-jurisdiction period had expired, and the movants were not parties to or members of the certified classes.
4. Rule 60(b)(6) did not authorize the requested enforcement relief, and in any event the motion was not brought within a reasonable time or supported by extraordinary circumstances.

KEY QUOTATIONS

“The court lacks jurisdiction and the request is untimely. The motion is DENIED without leave to amend.” (at 1)

“The fact that Watt was a federal lawsuit does not establish jurisdiction over an action to enforce the terms of its settlement.” (at 11)

“The Motion is untimely. If it were not, this court would not have jurisdiction to grant the relief that the Movants seek.” (at 15)

FACTUAL BACKGROUND

The Table Mountain Rancheria was established on land purchased by the United States in 1916 and held in trust for the Table Mountain Band of Indians. Following the California Rancheria Act of 1958 and a 1959 distribution of rancheria assets, the federal government terminated the rancheria's trust status and the Indian status of residents who received assets. In 1983, a stipulated judgment restored Indian status for specified distributees and their successors, required federal recognition of the Table Mountain Band of Indians, and addressed restoration of land to federal trust status. The movants, who claimed descent from Gloria Walker but were not parties or members of the judgment's certified classes, alleged that the BIA improperly limited recognition and tribal governance to distributees and their dependents.

PROCEDURAL HISTORY

In 1983, the court entered a stipulated judgment in *Table Mountain Rancheria Association, et al. v. James Watt, Secretary of the Interior, et al.*, requiring restoration of Indian status for specified distributees and related relief concerning recognition of the Table Mountain Band of Indians. More than forty-one years later, the movants filed the present motion, asserting that the Bureau of Indian Affairs had failed to comply with the judgment by recognizing and conducting relations with a broader historic tribal entity. The court denied the motion without leave to amend, holding that it was untimely and that the court lacked jurisdiction to grant the requested relief.

DISPOSITION

other

CASES CITED

- *Alvarado v. Table Mountain Rancheria*, 509 F.3d 1008, 1011-18 (9th Cir. 2007)
- *Kendall v. Army Bd. for Corr. of Military Records*, 996 F.2d 362, 365 (D.C. Cir. 1993)
- *Wilderness Soc’y v. Norton*, 434 F.3d 584, 588-89 (D.C. Cir. 2006)
- *Corner Post, Inc. v. Bd. of Governors of Fed. Reserve Sys.*, 603 U.S. 799, 809 (2024)
- *Cal. Valley Miwok Tribe v. United States*, 197 F. App’x 678, 679 (9th Cir. 2006)
- *Hells Canyon Pres. Council v. United States Forest Serv.*, 593 F.3d 923, 933 (9th Cir. 2010)
- *Padres Hacia Una Vida Mejor v. Jackson*, No. 1:11-CV-1094 AWI DLB, 2012 WL 1158753, at *4 (E.D. Cal. Apr. 6, 2012)
- *Pit River Tribe v. Bureau of Land Mgmt.*, 512 F. Supp. 3d 1055, 1064 (E.D. Cal. 2021)
- *Nisenan Tribe of the Nev. City Rancheria v. Jewell*, 650 F. App’x 497, 498 (9th Cir. 2016)
- *Mishewal Wappo Tribe of Alexander Valley v. Zinke*, 688 F. App’x 480, 480 (9th Cir. 2017)
- *Kokkonen v. Guardian Life Ins. Co.*, 511 U.S. 375, 378 (1994)
- *Felter v. Kempthorne*, 473 F.3d 1255, 1260 (D.C. Cir. 2007)
- *Alaska Cmty. Action on Toxics v. U.S. EPA*, 943 F. Supp. 2d 96, 105 (D.D.C. 2013)
- *Norton v. S. Utah Wilderness All.*, 542 U.S. 55, 63-66 (2004)
- *San Luis Unit Food Producers v. United States*, 709 F.3d 798, 803 (9th Cir. 2013)
- *S.F. BayKeeper v. Whitman*, 297 F.3d 877, 885 (9th Cir. 2002)
- *O’Connor v. Colvin*, 70 F.3d 530, 532 (9th Cir. 1995)

- Cayuga Nation v. Tanner, 824 F.3d 321, 328 (2d Cir. 2016)
- Peacock v. Thomas, 516 U.S. 349, 356 (1995)
- Gonzalez v. Crosby, 545 U.S. 524, 535 (2005)
- Hall v. Haws, 861 F.3d 977, 987-88 (9th Cir. 2017)
- Phelps v. Alameida, 569 F.3d 1120, 1133 (9th Cir. 2009)
- Yeshiwas v. U.S. Citizenship & Immigr. Servs., No. C 12-1719 PJH, 2014 WL 31455, at *1 (N.D. Cal. Jan. 3, 2014)
- In re Pac. Far E. Lines, Inc., 889 F.2d 242, 249 (9th Cir. 1989)
- Liljeberg v. Health Servs. Acquisition Corp., 486 U.S. 847, 848-49 (1988)
- United States v. Alpine Land & Reservoir Co., 984 F.2d 1047, 1049 (9th Cir. 1993)
- Hardwick v. United States, No. 79-cv-01710-EMC, 2020 WL 6700466, at *1 (N.D. Cal. Nov. 13, 2020)
- Hardwick v. USA, et al., 3:80-cv-04595-EMC (N.D. Cal.), Dkt. No. 24-1