

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

**Elizabeth Lone Eagle v. South Dakota Board of Minerals and
Environment, South Dakota Department of Agriculture and Natural
Resources, Bob Morris, in his official capacity as Hearing Officer;
David McVey, in his official capacity as Legal Advisor to the Board of
Minerals and Environment; Mike Lees, in his official capacity as
Minerals, Mining, and Superfund Program Administrator; Hunter
Roberts, in his official capacity as Secretary of the Department of
Agriculture and Natural Resources; and Clean Nuclear Energy
Corporation, as Real Party in Interest**

No. 5:26-CV-05068-RAL (D.S.D. May 27, 2026) · No. 5:26-CV-05068-RAL · Decided May 27, 2026

SUMMARY

The United States District Court for the District of South Dakota denied Elizabeth Lone Eagle’s motion for reconsideration of the denial of her request for a temporary restraining order concerning translation services at a mining permit hearing. The court held that the joinder notice and the indefinite postponement of the hearing did not warrant reconsideration, but extended the time for the plaintiffs to file an amended complaint under Federal Rule of Civil Procedure 15(a)(1)(A).

CASE DETAILS

COURT	United States District Court for the District of South Dakota, Western Division
WRITING FOR THE COURT	Roberto A. Lange
JURISDICTION	United States District Court for the District of South Dakota, Western Division
DECIDED	May 27, 2026
DOCKET	5:26-CV-05068-RAL
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for reconsideration under Federal Rule of Civil Procedure 54(b) of the court's prior order denying her request for a

	temporary restraining order. The court denied reconsideration and extended the time for the plaintiffs to file an amended complaint.
STANDARD OF REVIEW	A motion to reconsider an interlocutory order under Rule 54(b) is reviewed under the limited standards of correcting a manifest error of law or fact or presenting newly discovered evidence; denial of reconsideration is reviewed for abuse of discretion. A temporary restraining order requires a clear showing of immediate and irreparable injury before the adverse party can be heard.
PRECEDENTIAL VALUE	unpublished

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QUESTIONS PRESENTED

1. Whether the notice of joinder and participation of six additional pro se individuals constituted a manifest error of law or fact warranting reconsideration of the denial of a temporary restraining order.
2. Whether the indefinite postponement of the EXNI hearing constituted a changed circumstance warranting reconsideration of the denial of injunctive relief.
3. Whether the plaintiffs could file an amended complaint as a matter of course under Federal Rule of Civil Procedure 15(a)(1)(A), and whether each pro se plaintiff was required to sign it.

HOLDINGS

1. A notice of joinder does not constitute a manifest error of law or fact warranting reconsideration when the additional pro se individuals have not filed an amended complaint signed by all plaintiffs.
2. The indefinite pause of the EXNI hearing did not warrant reconsideration because it eliminated any immediate and irreparable injury that would occur before defendants could be heard.
3. Reconsideration was properly denied because the motion identified no manifest error of law or fact, presented no qualifying newly discovered evidence, and did not establish a proper basis to revisit the prior temporary restraining order ruling.
4. Lone Eagle and the other individuals wishing to proceed as pro se plaintiffs could file an amended complaint as a matter of course within 21 days after service under Rule 15(a)(1)(A), provided the amended complaint is signed by all pro se plaintiffs.

KEY QUOTATIONS

“A motion for reconsideration serves the limited function ‘to correct manifest errors of law or fact or to present newly discovered evidence.’”

“The Defendants’ indefinite pause of the EXNI hearing means that, at least for now, no “immediate and irreparable injury, loss, or damage” will result to Lone Eagle or the other individuals before the Defendants, some of which may now been served, can be heard in opposition.”

FACTUAL BACKGROUND

Lone Eagle alleged that South Dakota officials denied first-language Lakota speakers meaningful participation in a hearing concerning mining permit application EXNI 453 for mining in the Black Hills by failing to provide translation services. After the court denied her request for a temporary restraining order, six other individuals joined a notice and supplement to the complaint, but they did not file an amended complaint signed by all plaintiffs. The relevant hearing was also adjourned indefinitely, reducing any immediate threat of injury before defendants could respond.

PROCEDURAL HISTORY

Lone Eagle filed a pro se complaint concerning alleged denial of translation services at a hearing on a mining permit and sought a temporary restraining order. The court previously denied the request, finding that Lone Eagle could not litigate on behalf of other pro se individuals and had not shown Article III standing for injunctive relief. Six additional individuals later signed a notice of joinder and supplement, but no amended complaint signed by all plaintiffs was filed. Lone Eagle then moved for reconsideration, and the court denied the motion while allowing the parties wishing to proceed as pro se plaintiffs to file an amended complaint within the Rule 15(a)(1)(A) period.

DISPOSITION

other

CASES CITED

- Hansen v. Wetz, No. 5:25-CV-05011, 2025 WL 1796029, at *2-3 (D.S.D. June 25, 2025)
- Stone v. Harry, 364 F.3d 912, 914 (8th Cir. 2004)
- Woodward v. Credit Serv. Int'l Corp., 132 F.4th 1047, 1058 (8th Cir. 2025)
- Hagerman v. Yukon Energy Corp., 839 F.2d 407, 414 (8th Cir. 1988)
- Preston v. City of Pleasant Hill, 642 F.3d 646, 652 (8th Cir. 2011)
- Julianello v. K-V Pharm. Co., 791 F.3d 915, 923 (8th Cir. 2015)
- SPV-LS, LLC v. The Estate of Nancy Bergman, SPV-LS, LLC v. Transamerica Life Ins., 912 F.3d 1106, 1111 (8th Cir. 2019)
- Monroe v. Yankton Sioux Hous. Auth., No. 4:25-CV-04113, 2025 WL 1795824, at *2 (D.S.D. June 30, 2025)
- Clay v. Purkett, No. 06-CV-1859, 2007 WL 107758, at *1 (E.D. Mo. Jan. 9, 2007)
- Ortiz-Diaz v. Social Sec., No. 17-CV-7532, 2018 WL 791256, at *2 (E.D.N.Y. Feb. 7, 2018)

- Johnson v. Precythe, No. 2:19-CV-00010, 2019 WL 931925, at *1 (E.D. Mo. Feb. 26, 2019)
- Jackson v. Macalester Coll., 169 F. Supp. 3d 918, 921 (D. Minn. 2016)
- Watkins, Inc. v. Lewis, 346 F.3d 841, 844 (8th Cir. 2003)

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