

## Federal Appeals Court Upholds Tribal Court's Personal Protection Order Against Non-Indian

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On August 26, 2019, the US Court of Appeals for the Sixth Circuit upheld a Michigan Federal judge's ruling that the tribal court of the Nottawaseppi Huron Band of the Potawatomi (NHBP) had jurisdiction to issue a personal protection order (PPO) against the non-Indian stepmother of a tribal member, including prohibitions against contacting the tribal member or "appearing within [his] sight."

Challenging the PPO in Federal court, the stepmother sued the tribal court's chief judge, the NHBP supreme court, and the NHBP. The Federal Appeals Court first affirmed the district court's dismissal of the claims against the NHBP and the NHBP supreme court on the basis of NHBP's sovereign immunity. The Appeals Court then affirmed dismissal of the stepmother's claims against the tribal court's chief judge, for whom the NHBP had waived sovereign immunity, noting that 18 U.S.C § 2265(e) specifically provides a tribal court "full civil jurisdiction to issue and enforce protection orders involving any person ...." Finally, the Appeals Court rejected the stepmother's argument that the PPO was, in fact, a criminal order because violation of it subjected her to criminal sanctions by the tribal court, finding that the existence of *potential* criminal sanctions did not change the civil nature of the order, for which the tribal court could also issue civil sanctions if a violation occurred.

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National Law Review, Volume IX, Number 241

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