

**IN THE SUPREME COURT OF THE
MUSCOGEE (CREEK) NATION**

JACOB LEWIS NARCOMEY,)
Creek Nation Citizen # 31532,)

Applicant,)

v.)

ELECTION BOARD, MUSCOGEE)
(CREEK) NATION, GARY ROGERS,)
CONTROLLER, MUSCOGEE (CREEK))
NATION, ROGER WILEY, ATTORNEY)
GENERAL, MUSCOGEE (CREEK) NATION,)

Respondents.)

Case No. SC-09-01

**SUPREME COURT
FILED**

MAR 31 2010

**ROSANNA L. FACTOR, COURT CLERK
MUSCOGEE (CREEK) NATION**

MEMORANDUM DECISION

**DECISION BY CHIEF JUSTICE CHAUDHURI, VICE-CHIEF JUSTICE SHIRLEY,
JUSTICE MCNAC, JUSTICE MOUSER, AND JUSTICE HARJO-WARE.**

Although this case involves issues that have been effectively resolved by related litigation and the completion of the November 7, 2009 Special Election, in the interest of addressing outstanding matters and clarifying procedural issues, the Court hereby formally dismisses this Application. Applicant requested this court to assume original jurisdiction over the case and to issue a writ of mandamus. His application failed before reaching the merits of whether he was entitled to such extraordinary relief. He asked us to compel the Election Board, the Controller and the Attorney General to appropriate funds to conduct a special election. Applicant failed to sue the National Council, however. The National Council was the appropriate government entity to bring suit against in an action of this kind, and therefore was a necessary party. Given

Applicant's ample opportunity and subsequent failure to correct this defect, his Application failed at the outset, and is accordingly dismissed.

A handwritten signature in black ink, appearing to read "H. Shirley", written over a horizontal line.

**HOUSTON SHIRLEY
VICE-CHIEF JUSTICE**

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Creek Nation Citizen # 31532,

Applicant,

v.

Election Board, Muscogee (Creek) Nation,
Gary Rogers, Controller, Muscogee (Creek)
Nation, Roger Wiley, Attorney General
Muscogee (Creek) Nation,

Respondents.

Case No. SC-09-01

CERTIFICATE OF MAILING/DELIVERY

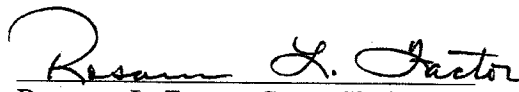
I, Rosanna L. Factor, Supreme Court Clerk for the Muscogee (Creek) Nation, do hereby certify that on this 31st day of March, 2010, that I mailed a true and correct copy of the foregoing Supreme Court's Memorandum Decision with proper postage prepaid to the following:

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Rosanna L. Factor, Court Clerk