

IN THE SUPREME COURT OF THE MUSCOGEE (CREEK) NATION

JEFF FIFE; TED TIGER; JESS HARJOCHEE;)
CECIL HARRY; RODNEY LUELLEN;)
JEANETTA CARR; JOSEPH DOMEBO;)
CEDILIA WITTMAN; JENNIE GOODELL;)
AND DANIEL WIND,)

Petitioners,)

vs.)

PATRICK E. MOORE; ROD WIEMER; and)
MARCY MOORE,)

Respondents.)

SUPREME COURT
FILED

MAR 22 2011


C. Dearman, Deputy
~~ROSANNA L. FACTOR~~, COURT CLERK
MUSCOGEE (CREEK) NATION

Case No. **SC-2011-08**

ORDER

The Petition for Writ of Habeas Corpus will not be set for hearing. The Writ is defective. Complaints and Informations have been filed against Petitioners but no trial has been held to adjudicate their guilt or innocence. No Certificates of Service were filed. Further, none of Respondents have custody of Plaintiffs. The Opinion in case CV-0073 in the U.S. District Court (E.D.Okla.) decided March 11, 2001, clearly sets out the "in custody" requirement for a Writ of Habeas Corpus. Case citations by Petitioners refer to detention following conviction not before trial.

IT IS SO ORDERED this 22nd day of March, 2011.



Houston Shirley, Vice Chief Justice

CERTIFICATE OF DELIVERY

I, Connie Dearman, Supreme Court Deputy Clerk for the Muscogee (Creek) Nation, do hereby certify that on this 22nd day of March, 2011, that I faxed and mailed a true and correct copy of the foregoing Supreme Court's Order with proper postage prepaid to the following:

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Connie Dearman, Deputy Court Clerk