

In the Supreme Court of the Kiowa Tribe
Carnegie, Oklahoma



Steve Geronimo Hopkins,)
)
Appellant,)
v.)
)
Joseph Granado,)
)
Appellee.)

Case No. SC-2026-002



DECISION

Appellant Hopkins, a former coordinator of the Kiowa Indian Council (KIC), filed a petition on April 13, 2026 in the Kiowa trial court against appellee Granado, the current coordinator of the KIC, requesting a judgment declaring that the site of the KIC meeting, the selection of a coordinator, the meeting quorum, and other matters at the annual KIC meeting on April 4, 2026 were carried out in contravention of the Kiowa constitution and KIC policies. Appellant's petition further requested a preliminary injunction to prohibit appellee from carrying out any additional actions approved or resulting from the annual KIC meeting. On May 14, 2026 the trial court issued an order that denied the appellant's request for a declaratory judgment and a preliminary injunction. Appellant also filed with the trial court a motion for judgment on the pleadings and a motion for a permanent injunction. On May 15, 2026, the trial court issued a second order that denied appellant's motion for judgment on the pleadings and a motion for a permanent injunction. Appellant filed a notice of appeal with the Kiowa Supreme Court on June 4, 2026. We consider the timeliness and merits of this appeal.

ANALYSIS

Appellant's lawsuit against appellee is essentially a suit in equity. Under Article X, Section 3 of the Kiowa constitution the appellant, as a member of the Kiowa tribe, does not need to show standing or particularized harm to enforce provisions of the constitution through suits in equity. Appellant therefore has standing to prosecute this lawsuit in the trial court and on this appeal to the Kiowa Supreme Court. The Supreme Court, upon a review of the appellate record, however, notes that appellant did not strictly follow the procedural requirements set forth in Rule 17 and Rule 18 of the Kiowa Tribe Appellate Rules regarding the form and content of an appeal brief. But since the

notice of appeal includes appellant's argument on legal issues in this case and the proposed standard of review, and further since this appeal involves the powers of the KIC, the Court has determined in consideration of these matters that this appeal need not be dismissed under Rule 18.f of the Kiowa Tribe Appellate Rules. The Court will therefore review the record and analyze the issues presented in appellant's notice of appeal.

The Supreme Court's analysis will begin by reviewing the jurisdictional time requirement that applies to the appeal of a judgment. Under Article VIII, Section 7 of the Kiowa constitution any party to a civil action who is dissatisfied with a judgment may appeal to the Kiowa Supreme Court. The Kiowa Rules of Civil Procedure (K.R.C.P.) instruct that the time allowed for filing an appeal in a civil action is 20 days from the entry of judgment. See K.R.C.P. Rule 37 (c). Furthermore, the Kiowa Tribe Appellate Rules (K.T.A.R.) affirm that an appeal in a civil case must be filed within 20 days of a final judgment. See K.T.A.R. Rule 6.c. If a notice of appeal is filed after the 20-day period, the untimely filed appeal will result in dismissal of the appeal rendering the Kiowa Supreme Court without subject matter jurisdiction. See K.T.A.R. Rule 6.d. Thus, we review the record to determine whether the Kiowa Supreme Court has jurisdiction to review this appeal.

The notice of appeal states that appellant appeals two separate orders issued by the trial court. The first order was issued on May 14, 2026 and the second order was issued on May 15, 2026. The record shows that appellant's notice of appeal was filed with the Kiowa Supreme Court on June 4, 2026. As there are 21 calendar days between the date of the first order of the trial court (i.e., May 14, 2026) and the date the appeal was filed with the Supreme Court (i.e., June 4, 2026), the Kiowa Supreme Court finds that appellant's appeal of the first order is untimely and therefore, pursuant to K.R.C.P. Rule 37 (c) and K.T.A.R. Rule 6.d, the Supreme Court lacks subject matter jurisdiction to review the trial court's first order issued on May 14, 2026. The Kiowa Supreme Court finds, however, that the notice of appeal regarding the trial court's second order is timely since the notice of appeal was filed within the 20-day appeal period. Accordingly, the Kiowa Supreme Court has jurisdiction to review appellant's appeal of the trial court's second order entered on May 15, 2026.

The Supreme Court therefore reviews the issues in the trial court's second order. The first issue involves the trial court's denial of appellant's motion for a judgment on the pleadings. A trial court order denying a motion for a judgment on the pleadings is an interlocutory order entered during the progression of a lawsuit that may be promptly appealed if the appeal meets certain conditions. The Kiowa Supreme Court has adopted and implemented the conditions and procedure for reviewing interlocutory orders in K.T.A.R. Rule 10 (Interlocutory Appeal). Although appellant did not seek a K.T.A.R. Rule 10 interlocutory appeal, the trial court's denial of appellant's motion for judgment on the

pleadings can nonetheless be reviewed on final appeal. We conduct a de novo review of the trial court's order denying appellant's motion for judgment on the pleadings.

The Kiowa Rules of Civil Procedure do not address or provide guidance on a motion for judgment on the pleadings. So, in accordance with Chapter 5, Section 1.5.4 (e), in the Kiowa Court Codes, we turn to the Federal Rules of Civil Procedure and federal case law for guidance. A motion for judgment on the pleadings is recognized in the Federal Rules of Civil Procedure. See Fed.R.Civ.P. 12 (c). Under federal case law, the legal standard for a judgment on the pleadings states that a judgment is only proper when there are no issues of material fact, and the moving party (e.g., appellant) is entitled to judgment as a matter of law. See *General Cinema Corp. v. Buena Vista Distrib.*, 681 F.2d 594, 597 (9th Cir. 1982). The legal standard further provides that all allegations of fact by the party opposing the motion (e.g., appellee) are accepted as true, and are construed in the light most favorable to that party. See *McGlinchy v. Shell Chemical Co.*, 845 F.2d 802, 810 (9th Cir. 1988).

Upon a review of the pleadings in the trial court record, appellant's petition alleges four counts that each describe various activities carried out by appellee or the KIC at the April 4, 2026 KIC annual meeting that appellant contended were in contravention of the Kiowa constitution and KIC policies and procedures. The record further shows that appellee's answer to the petition raised material fact issues that controverted most of the allegations of fact in appellant's petition. To review only one of the four counts in the petition, appellant alleged the KIC meeting should have been held at tribal headquarters in Red Buffalo Hall in accordance with KIC meeting procedures. The appellee's answer to the petition replied that the Kiowa constitution does not address a specific site but only requires the KIC meeting to be held at the tribal headquarters. Since all inferences reasonably drawn from the material facts in appellee's answer must be construed in favor of the opposing party (appellee), we will therefore accept them as true for purposes of reviewing a motion for judgment on the pleadings. See *McGlinchy*, 845 F.2d at 810. Based on this standard, the result is that appellant was not entitled to a judgment on the pleadings because appellee's answer raised issues of material fact on most, if not all, of the four counts in appellant's petition that, if proved, would defeat a judgment on the pleadings. The Supreme Court accordingly finds that the trial court's denial of appellant's motion for judgment on the pleadings is proper as a matter of law and we therefore affirm the judgment of the trial court on this issue.

The second issue in this appeal involves the trial court's denial of appellant's motion for a permanent injunction. The trial court denied this motion on the basis that appellant's motion for a permanent injunction became moot because the trial court previously denied the appellant's motion for a preliminary injunction. Though the denial of a preliminary

injunction does not necessarily preclude the issuance of a permanent injunction, the trial court concluded that none of the conditions for injunctive relief in K.R.C.P. Rule 34 (Injunctions) was applicable to the four grounds in the petition that appellant contended were in contravention of the Kiowa constitution and KIC policies and procedures. The Kiowa Supreme Court will therefore conduct a de novo review of the trial court's interpretation of K.R.C.P. Rule 34 (e) to the facts and pleadings in this case.

It is a long established doctrine in common law jurisprudence that it is the province of a judge in an equity case to determine the facts. The Kiowa Supreme Court will therefore grant a high degree of deference to the factual findings of the trial court judge in an equity case (e.g., injunctions) unless a factual finding is clearly erroneous. Based on a review of the record in this case, it is evident the trial court judge thoroughly reviewed the court record and made a factual determination that none of the allegations in appellant's petition or supporting affidavits would support or merit a preliminary injunction. Furthermore, since the record is devoid of any new facts to support appellant's later motion for a permanent injunction, the trial court judge correctly denied the appellant's motion for a permanent injunction. Accordingly, after a de novo review of this issue, we do not disagree with the trial court's factual determinations and legal interpretation that none of the conditions in K.R.C.P. Rule 34 (e) are applicable to appellant's factual allegations in this case. The Supreme Court therefore affirms the ruling of the trial court's order denying a permanent injunction.

There are also constitutional principles to consider that would lend support to the trial court's orders denying injunctive relief based on the facts in this case. Article II and Article V of the Kiowa constitution specifically establishes the KIC as one of four equal branches of the government of the Kiowa tribe. As such, and in accordance with the long established principles in the constitutional separation of powers doctrine (See, e.g., *Mistretta v. United States*, 488 U.S. 361 (1989)), it is prudent in our constitutional framework for each branch of government to recognize and support the autonomy of other coequal branches of government. Therefore, absent clear text that requires otherwise in the Kiowa constitution or applicable law, each branch of the government may exercise power to establish and implement their own policies, procedures, and practices to facilitate the accomplishment of constitutional responsibilities and mission goals. Hence, consistent with the principles in the separation of powers doctrine, and particularly with respect to the matters presented in this case by the appellant regarding the site of the KIC meeting, the selection of a coordinator, a meeting quorum, and other organizational matters carried out by the appellee or the KIC at the annual meeting on April 4, 2026, we do not find that any of these matters at the annual KIC meeting rise to the level that would deserve further scrutiny under the Kiowa constitution or applicable law.

DECISION

IT IS THEREFORE the decision of the Kiowa Supreme Court based on the foregoing analysis and authority that appellant's appeal of the trial court's order dated May 14, 2026 is DISMISSED for lack of subject matter jurisdiction and the trial court's order dated May 15, 2026 that denied appellant's motion for judgment on the pleadings and that denied appellant's request for a permanent injunction is AFFIRMED.

Dated this 9th day of October 2026.



Eldridge Onco
Chief Justice of the Kiowa Supreme Court

Associate Justice Albert Ghezzi and Associate Justice Deanna Hartley-Kelso concur in the decision; Associate Justice Jerilynn DeCouteau and Associate Justice Melissa Holds the Enemy not participating in the decision.