FILED
OCT 19 2026
KIOWA TRIBAL SUPREME COURT

In the Supreme Court of the Kiowa Tribe
Carnegie, Oklahoma

KIOWA JUDICIAL BRANCH
SUPREME COURT

Steve Geronimo Hopkins,	)	
	)	
Appellant,	)	
v.	)	Case No. SC-2026-002
	)	
Joseph Granado,	)	
	)	
Appellee.	)	

ORDER ON PETITION FOR REHEARING

The Kiowa Supreme Court considers appellant's petition for a rehearing of the court's decision entered on October 9, 2026. To decide whether a rehearing may be ordered, the court will review whether appellant's assertions of alleged error meet any of the criteria in Rule 24 (Petition for Rehearing) in the Kiowa Tribe Appellate Rules (K.T.A.R.).

To begin this review, the court examines the criteria in K.T.A.R. Rule 24a. which provides as follows:

> a. A majority of the sitting Justices of the Supreme Court of the Kiowa Tribe may order that an appeal or other proceeding be reheard by the Supreme Court of the Kiowa Tribe. A rehearing is not favored and ordinarily will not be ordered unless:
> i. Consideration is necessary to secure or maintain uniformity of the Court's decisions;
> ii. The proceeding involves a question of exceptional importance;
> iii. A material factual or legal matter was overlooked in the decision; or
> iv. A change in the law occurred after the case was submitted and was overlooked by the court.

Appellant asserts there are three grounds of error in the court's decision. Specifically, appellant argues that (1) there are errors of law in the decision that states the court lacks subject matter jurisdiction to review the trial court's May 14, 2026 order; (2) there is misapprehension of controlling civil procedure in the court's decision; and (3) the decision creates irreconcilable conflict with the Kiowa constitution. Based on a review of

the criteria in K.T.A.R. Rule 24a., the court concludes the only criterion that ostensibly applies is set forth in K.T.A.R. Rule 24.a.iii concerning whether a "material factual or legal matter was overlooked in the decision". The criteria in K.T.A.R. Rule 24.a.i, ii, and iv clearly do not apply to the alleged grounds of error in appellant's petition for rehearing. The Supreme Court will therefore analyze whether a material factual or legal matter was overlooked in the decision to merit a rehearing.

With respect to the Supreme Court's lack of subject matter jurisdiction to review the trial court's May 14, 2026 order, appellant argues the 20-day appeal period for the trial court's May 14, 2026 order did not commence to run until the trial court entered its second order on May 15, 2026. To support this point, appellant cites Rule 25 (b) of the Kiowa Rules of Civil Procedure (K.R.C.P.) which states as follows:

> "When more than one claim for relief is presented in an action, however designated, a final judgment may be entered on less than all of such claims only upon the Court's specifically finding that such is justified. Absent such a finding, an order or decision will not terminate the action as to any of the claims until all claims are finally decided, nor will the appeal period commence to run."

The record shows appellant's original action addressed two claims for relief: a request for a declaratory judgment and a request for an injunction. The trial court's order on May 14, 2026 specifically found no merit to either of these claims and therefore both claims for relief were denied. Although appellant filed a motion for a permanent injunction, a request for a permanent injunction (or any new claim for relief) cannot simply be requested in a motion. A litigant must either file a new petition requesting a permanent injunction or a litigant's petition in a pending action must be amended to request a permanent injunction. Appellant did neither in this case. Hence, it is clear that *all* claims in appellant's original action were finally decided by the trial court in the May 14, 2026 order. It is noted appellant's motion also requested a judgment on the pleadings, but such a motion does not constitute a new claim for relief since it is purely a procedural motion based solely on the pleadings in the petition and appellee's answer. We find that appellant's reliance on K.R.C.P. Rule 25 (b) to support a rehearing on this issue is therefore not applicable since K.R.C.P. Rule 25 (b) only applies when a trial court's final judgment is entered on less than all claims in a petition. As set forth in the Supreme Court's decision, the trial court entered a final judgment on all claims (i.e., appellant's request for a declaratory action and injunctive relief), so the 20-day appeal period commenced running on May 14, 2026, the date of the trial court's order.

Appellant also refers to the appellate merger doctrine to support his contention that alleged interlocutory orders in the May 14, 2026 order merged into the trial court's May

15, 2026 order and thereby conferred jurisdiction on the Supreme Court to review the issues in the May 14, 2026 trial court order. The appellate merger doctrine holds that when a trial court enters a final judgment, all earlier non-final (i.e., interlocutory) orders made during the course of a lawsuit merge into the final judgment. The merger doctrine, however, does not support the appellant's request for a rehearing in this case since there was never an interlocutory order to merge into the trial court's final May 15, 2026 order. There were only two final orders (i.e., judgments) entered on May 14, 2026 and May 15, 2026 denying appellant's claims for relief and motions, respectively.

As another ground to support a rehearing, appellant contends the Supreme Court erroneously invoked the separation of powers doctrine to insulate unconstitutional actions from judicial review. The Supreme Court conducted a de novo review of the constitutional irregularities allegedly carried out by the appellee and the KIC. Based on the de novo review, the Supreme Court affirmed the findings and order of the trial court that held there was no contravention of the Kiowa constitution. The Supreme Court further made it clear in the decision that absent clear text otherwise in the Kiowa constitution or applicable law, it is the constitutional role of the court or any other branch of the tribal government to recognize and support the autonomy of another branch of government, such as the Kiowa Indian Council (KIC), as each carry out their constitutional responsibilities and mission goals. As stated in Article VIII, Section 6(c) of the Kiowa constitution, the Supreme Court shall have the power to interpret the Constitution and laws of the Tribe and to make conclusions of law. The court did so in this case and we found no constitutional issue.

Appellant also contends appellee in effect admitted appellant's constitutional claims in the appeal because the appellee did not file a response brief that appellant maintains is required by K.T.A.R. Rule 17.b. Based on this reason, appellant asserts that business conducted at the KIC meeting on April 4, 2026 was consequently unconstitutional and therefore any actions taken or approved (e.g., a special election) at the KIC meeting are void. The Supreme Court, in an order entered in this appeal on October 2, 2026 thoroughly addressed the issue regarding the non-filing of a response brief by appellee. The court will therefore not repeat its extended discussion on this issue. The court's interpretation, though, held that appellee was not required to file a response brief pursuant to K.T.A.R. Rule 18.f.

Based on the foregoing analysis and the applicability of K.T.A.R. Rule 24a.iii to the alleged errors cited by the appellant, the Supreme Court does not find a material factual or legal matter was overlooked that would support a rehearing of its decision.

Accordingly, the Kiowa Supreme Court hereby declines to order a rehearing of the court's decision entered on October 9, 2026.

Dated this 19th day of October, 2026.

Eldridge Onco
Chief Justice
Kiowa Supreme Court

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