

# USET SPF Litigation Update

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# Litigation Participation Snapshot

Year	Litigation Alerts	Amicus Briefs	Amicus Brief Breakdown			Other Litigation Advocacy		
			Authored/ Co-Authored	Consulted On & Joined	Reviewed/Edited & Signed On	Letters	Resolutions	Videos
2026	1	1*			1*			
2025	9	8*	4	1	3*	3		
2024	8	5	3	2		1	3	1
<b>Total</b>	18	<b>14</b>	7	3	4	4	3	1

*\*Note: All prediction markets-related (e.g., Kalshi) cases are counted as 1 for purposes of this tracker. In 2025, USET SPF joined 8 amicus briefs in these cases, and so far has joined 7 more in 2026.*



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Year Filed	Date Filed	Case Name	Court	Issue Area	Tribal Nation(s) Affected	USET Role	
2026	2/17	<i>Crypto.com v. Hendrick</i>	9th Cir.	IGRA	Indian Country writ large	Sign-on*	
	2/13	<i>Robinhood Derivatives, LLC v. Dreitzer</i>	9th Cir.	IGRA	Indian Country writ large	Sign-on*	
	1/30	<i>KalshiEX LLC v. Hendrick</i>	9th Cir.	IGRA	Indian Country writ large	Sign-on*	
	1/30	<i>Coinbase Fin. Mkts. v. Raoul</i>	N.D. Ill.	IGRA	Indian Country writ large	Sign-on*	
	1/16	<i>KalshiEX LLC v. Cafferelli</i>	D. Conn.	IGRA	Indian Country writ large	Sign-on*	
	1/16	<i>Coinbase Fin. Mkts. v. Tong</i>	D. Conn.	IGRA	Indian Country writ large	Sign-on*	
	1/16	<i>Blue Lake Rancheria v. Kalshi Inc.</i>	9th Cir.	IGRA	Blue Lake, Chicken Ranch, Chukchansi	Sign-on*	
	12/29	<i>KalshiEX LLC v. Martin</i>	4th Cir.	IGRA	Indian Country writ large	Sign-on*	
	12/24	<i>Nat'l Council of Nonprofits v. OMB</i>	DC Cir.	Federal Funding	Indian Country writ large	<b>Co-Authored</b>	
	12/3	<i>KalshiEX LLC v. Williams</i>	SDNY	IGRA	Indian Country writ large	Sign-on*	
2025	11/14	<i>KalshiEX LLC v. Schuler</i>	S.D. Ohio	IGRA	Indian Country writ large	Sign-on*	
	10/31	<i>Stroble v. Okla. Tax Commission</i>	US	Dual Taxation	Muscogee (Creek)	<b>Consulted On</b>	
	10/16	<i>Robinhood Derivatives, LLC v. Campbell</i>	D. Mass.	IGRA	Indian Country writ large	Sign-on*	
	9/30	<i>Robinhood Derivatives, LLC v. Dreitzer</i>	D. Nev.	IGRA	Indian Country writ large	Sign-on*	
	9/15	<i>Crypto.com v. Hendrick</i>	D. Nev.	IGRA	Indian Country writ large	Sign-on*	
	9/3	<i>Landor v. La. Dep't of Corrections</i>	US	RLUIPA	Indian Country writ large	Sign-on	
	6/23	<i>Kalshi v. Martin</i>	D. Md.	IGRA	Indian Country writ large	Sign-on*	
	6/17	<i>Kalshi v. Flaherty</i>	3rd Cir.	IGRA	Indian Country writ large	Sign-on*	
	5/15	<i>Silva v. Farrish</i>	EDNY	Fishing Rights	Shinnecock	<b>Authored</b>	
	4/30	<i>South Point Energy Ctr. v. Arizona Dep't of Revenue</i>	US	Dual Taxation	Fort Mojave	Sign-on	
	3/20	<i>Narragansett Indian Tribe v. Bhatt</i>	DC Cir.	NHPA	Narragansett	<b>Authored</b>	
	1/29	<i>Winnebago Tribe of Neb. v. US Dep't of Army</i>	4th Cir.	NAGPRA	Winnebago	<b>Authored</b>	
	2024	10/16	<i>Narragansett Indian Tribe v. Bhatt</i>	DC Cir.	NHPA	Narragansett	<b>Authored</b>
		10/15	<i>Apache Stronghold v. United States</i>	US	RFRA	Apache	<b>Consulted On</b>
8/28		<i>In re the Matter of the Children of L.K.</i>	Minn.	ICWA	Red Lake Nation	<b>Co-Authored</b>	
6/12		<i>Winnebago Tribe of Neb. v. US Dep't of Army</i>	ED Va.	NAGPRA	Winnebago (for Catawba)	<b>Authored</b>	
2/20		<i>Becerra v. San Carlos Apache Tribe</i>	US	CSC	San Carlos Apache, Northern Arapaho	<b>Consulted On</b>	
2023	10/18	<i>Bad River Band of Lake Superior Chippewa Indians v. Enbridge Energy Co.</i>	7th Cir.	Pipelines / Trespass	Bad River Band	Sign-on	



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# Guiding Principles for Litigation Involvement: How to Further the Two Pillars

## Pillars:

- Tribal Nations are inherently sovereign governments with rights and authorities that flow from that inherent sovereignty.
- The United States owes debt-based trust and treaty obligations to Tribal Nations and Native people for the lands and resources taken from us.

## Some areas we look to make change:

- Unbounded “plenary power” to strip Tribal Nations of rights and authorities.
- Implicit divestiture of Tribal rights and authorities and implicit encroachment of state or federal powers under “equity” principles.
- Limits on enforceability of trust and treaty obligations.



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# Equal Protection

## Government Contracting

- Mid-America Milling Co. v. DOT (E.D. Ky.)
- Revier Technologies, Inc. v. Loeffler (E.D. La.)

## ICWA

- \*In the Matter of the Welfare of the Children of L.K. & A.S. (MN)

## Mascots

- Massapequa Union Free Sch. Dist. v. NY Bd. of Regents (2d Cir.)
- Native Am. Guardians Ass'n v. NY Bd. of Regents (2d Cir.)

## Native Hawaiians and School Admissions

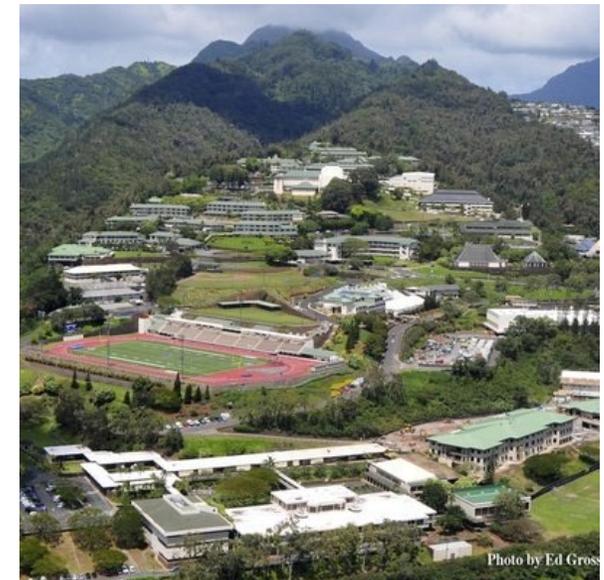
- Students for Fair Admissions v. Kamehameha Schools (D. Hawaii)

## State Laws re Tribal Gaming

- Oxford Casino Hotel v. Champion (D. Me.)

## Voting Rights

- Turtle Mountain Band of Chippewa Indians v. Howe (U.S.)

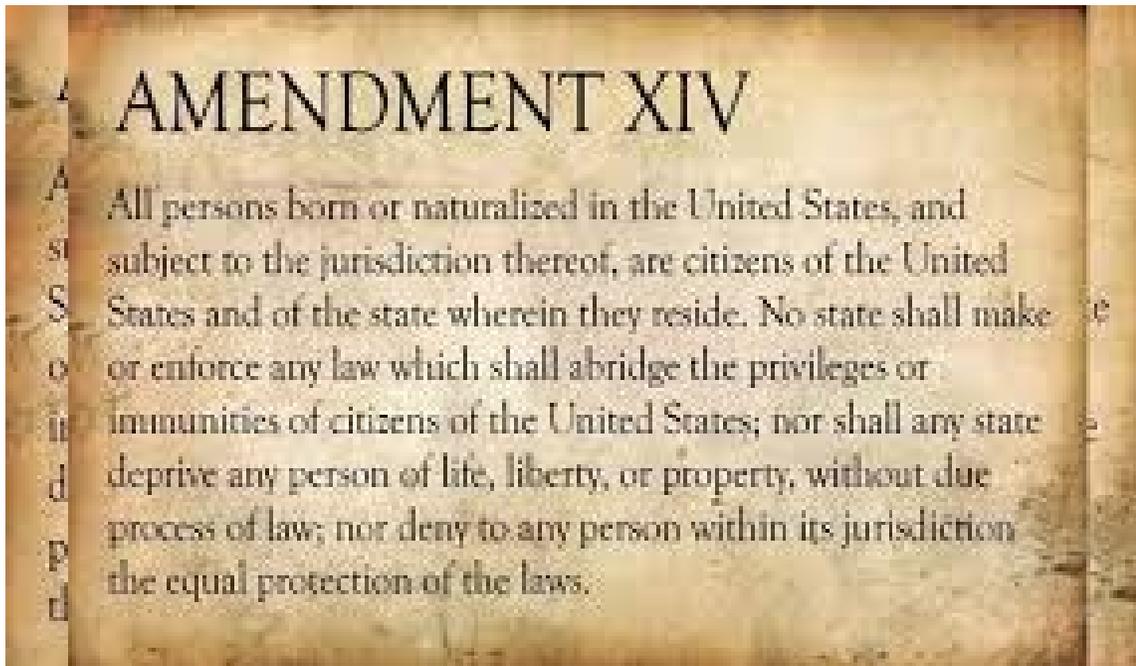


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# Birthright Citizenship

\*Barbara v. Trump  
U.S. Supreme Court

Implications for Indian  
Country via Elk v. Wilkins



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# Tribal Gaming Rights – Prediction Markets\*

<i>KalshiEX LLC v. Flaherty</i>	Federal	3rd Cir.	25-1922
<i>KalshiEX LLC v. Martin</i>	Federal	4th Cir.	25-1892
<i>KalshiEX LLC v. Assad</i>	Federal	9th Cir.	25-7516
<i>Crypto.com v. Hendrick</i>	Federal	9th Cir.	25-7187
<i>Blue Lake Rancheria v. Kalshi Inc.</i>	Federal	9th Cir.	25-7504
<i>Robinhood Derivatives, LLC v. Dreitzer</i>	Federal	9th Cir.	25-7831
<i>Ho-Chunk Nation v. Kalshi Inc.</i>	Federal	W.D. Wis.	25-cv-698
<i>Massachusetts v. KalshiEX LLC</i>	State	Mass. Ct. App.	2026-P-244
<i>Robinhood Derivatives, LLC v. Campbell</i>	Federal	D. Mass.	25-cv-12578
<i>KalshiEX LLC v. Schuler</i>	Federal	S.D. Ohio	25-cv-1165
<i>KalshiEX LLC v. Williams</i>	Federal	SDNY	25-cv-8846
<i>Pelayo v. Kalshi Inc.</i>	Federal	SDNY	25-cv-9913
<i>KalshiEX LLC v. Cafferelli</i>	Federal	D. Conn.	25-cv-2016
<i>Coinbase Fin. Mkts. v. Tong</i>	Federal	D. Conn.	25-cv-2121
<i>Coinbase Fin. Mkts. v. Nessel</i>	Federal	E.D. Mich.	25-cv-14092
<i>Coinbase Fin. Mkts. v. Raoul</i>	Federal	N.D. Ill.	25-cv-15406
<i>KalshiEX LLC v. Orgel</i>	Federal	M.D. Tenn.	26-cv-34



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# State Jurisdiction Over Native People in Indian Country

## Criminal Jurisdiction

- Muscogee (Creek) Nation v. City of Tulsa (N.D. Okla.)
- Muscogee (Creek) Nation v. Kunzweiler (10th Cir.)
- Muscogee (Creek) Nation v. City of Henryetta (E.D. Okla.)
- United States v. Ballard (N.D. Okla.)
- United States v. Iski (E.D. Okla.)

## Hunting and Fishing

- Cherokee Nation v. Free (N.D. Okla.)
- Muscogee (Creek) Nation v. Free (N.D. Okla.)

## Taxation

- \*Stroble v. Okla. Tax Comm'n (U.S.)



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# Cultural and Aboriginal Rights

## NEPA/NHPA Cultural Resources

- \*Friends of the Everglades, Inc. v. Noem (11th Cir.)
- \*Narragansett Indian Tribe v. White (D.C. Cir.)

## NEPA/RFRA

- San Carlos Apache Tribe v. USFS (9th Cir.)
- Lopez v. United States (9th Cir.)

## Aboriginal Fishing

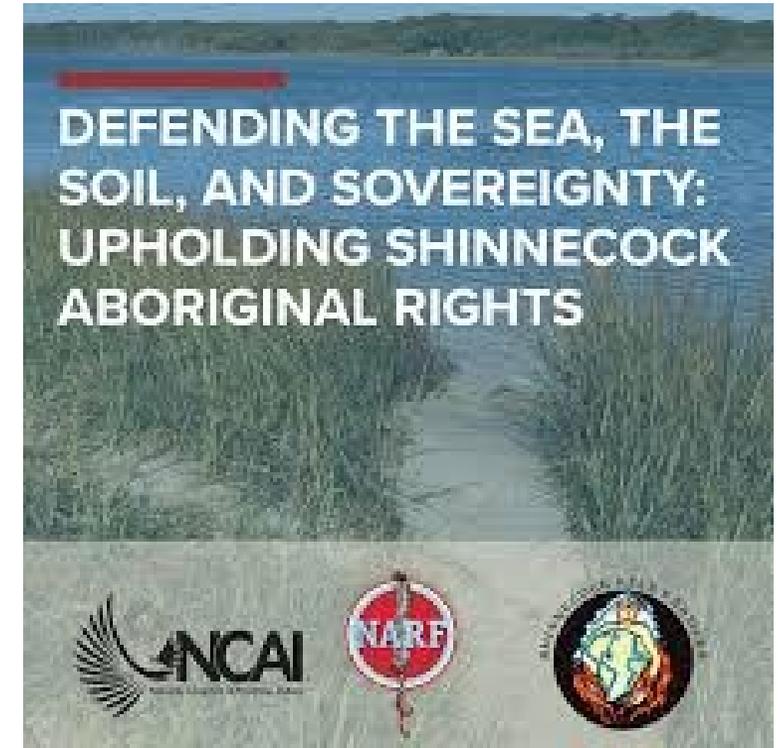
- \*Silva v. Farrish (2d Cir.)

## NAGPRA

- \*Winnebago Tribe of Nebraska v. Dep't of Army (4th Cir.)

## RLUIPA

- \*Landor v. La. Dep't of Corrections & Public Safety (U.S.)



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# Pipelines - Trespass

Permitting (Line 5)	<i>In re Appl. of Enbridge Energy to Replace &amp; Relocate Line 5</i>	State	Mich.	Bay Mills, Little Traverse, Grand Traverse, Nottawaseppi
	<i>Enbridge Energy LP v. Whitmer</i>	Federal	US	Amici: Bay Mills, Grand Traverse, Little Traverse, Little River, Nottawaseppi, Sault Ste. Marie
	<i>Enbridge Energy LP v. Nessel</i>	Federal	US	Amici: Bay Mills, Grand Traverse, Hannahville, Keweenaw, Lac Vieux Desert, Little Traverse, Little River, Nottawaseppi, Pokagon, Sault Ste. Marie
	<i>Bad River Band of Lake Superior Chippewa Indians v. Wisconsin DNR</i>	State	Ashland Cnty. (Wis.)	Bad River Band
	<i>Bad River Band of Lake Superior Chippewa v. Army Corps of Engineers</i>	Federal	DDC	Bad River Band
Trespass (Line 5)	<i>*Bad River Band of Lake Superior Chippewa Indians v. Enbridge Energy Co.</i>	Federal	7th Cir.	Bad River Band
Trespass	<i>Tesoro High Plains Pipeline Co. v. United States</i>	Federal	8th Cir.	Intervenors: Three Affiliated Tribes (Mandan, Hidatsa & Arikara Nation)



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# Trump Administration Federal Funding Disruptions

## Funding Freeze/Termination

- Current outcomes in funding freeze and termination cases vary widely
- \*National Council of Nonprofits v. OMB (D.C. Cir.)
- Multiple courts deferring to Vera Institute of Justice v. DOJ and Climate United Fund v. Citibank (both D.C. Cir.)

## Agency/Program Dismantling

- Administration losing most cases

## Grant Conditions/IDC Caps

- Administration consistently losing cases
- R.I. Coalition Against Domestic Violence v. Bondi (D. RI)



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# Trump Administration Federal Employee Disruptions



## Firings During Government Shutdown

- Administration losing case

## HHS RIFs

- Administration losing case

## Probationary Employee RIFs

- Administration lost case

## OMB Reorganization Directive

- Agency had initial success in case
- AFGE v. Trump (N.D. Cal.)



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# Trump Administration Powers of Executive Branch

## Domestic Use of Military

- Administration losing cases
- Newsom v. Trump (9th Cir.)
- Oregon v. Trump (D. Or.)
- Illinois v. Trump (N.D. Ill.)
- District of Columbia v. Trump (D.C. Cir.)

## ICE Activities

- Administration currently winning cases at initial phase
- Minnesota v. Noem (D. Minn)
- Illinois v. DHS (N.D. Ill.)
- Tincher v. Noem (8th Cir.)

## Chilling Dissenters

- Law Firm Sanction Cases - Administration lost cases
- Refusals to Follow Court Orders in Deportation Cases - Administration lost cases



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# Questions?



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