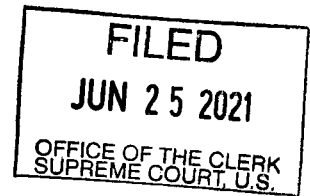


ORIGINAL

NO: 20-8455



**IN THE SUPREME COURT OF
THE UNITED STATES**

April Ledford – Petitioner

Vs.

The Eastern Band of Cherokee Indians

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Fourth Circuit

PETITION FOR WRIT OF CERTIORARI

**April Ledford
Post Office Box 2150
Bryson City, North Carolina 28713**

Questions Presented for Review

- 1. Do 11 men and women have the right to change a will deemed valid by The Eastern Band of Cherokee Indians (EBCI) and by the State of North Carolina, resulting in that man's widow homeless?**
- 2. Is the Indian Civil Rights Act of 1968 (ICRA) only limited to cases involving Habeas Corpus?**
- 3. Plaintiff-Petitioner exhausted tribal remedies before seeking a jury trial in Federal Court.**
- 4. The EBCI violated Petitioner's due process.**

TABLE OF AUTHORITIES CITED

- 1. American Indian Civil Rights Act of 1968 (ICRA)**
- 2. The Due Process Clause of the United States Constitution.**

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

**IN THE SUPREME COURT OF
THE UNITED STATES
PETITION FOR THE WRIT OF CERTIORARI**

Petitioner respectfully prays that a writ of
Certiorari be issued to review the judgment
below.

OPINIONS

For the case from Federal Courts:

1) The opinion of Appellate Court for the Fourth
Circuit appears at Appendix B p. 23 to the
petition and is

reported at _____ ; or

has been designated for publication but is not
yet reported; or

is unpublished

JURISDICTION OPINION

For cases from **Federal Courts**:

1) The date on which the United States Court of Appeals decided Petitioner's case was March 25, 2021.

No petition for rehearing was timely filed in my case.

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully petitions for a Writ of certiorari before judgment to review a decision of a United States District Court for the Western District of North Carolina.

OPINION BELOW

The opinion of the United States District Court for the Western District of North Carolina for which this petition is filed is reported of Case Number 1:20-CV-00005 In which was filed under 28 USC 1331.

JURISDICTION

The case is docketed in the United States for the Court of Appeals for the fourth Circuit as Case Number 20-2232.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. The Equal Protection Clause of Section 1 of the Fourteenth Amendment provides that no state shall deny to any person within its jurisdiction the equal protection of the Laws.” Very much a separate entity, Native American tribes enjoy sovereign immunity in most cases.
2. The Indian Civil Rights Act (ICRA) of 1968.
3. *Talton v. Mayes*, 163 U.S. 376 (1896). In *Talton*, the Supreme Court held that Native Nations are “distinct, independent political communities” and found that tribal governments and their courts were not subject to Fifth Amendment limitations applicable to federal and state governments because of their distinctiveness that predates the Constitution. As it is held about States, Native American tribes shall not take land without just Compensation.

STATEMENT OF THE CASE

Petitioner requests this court to exercise its power and discretion under Rule 11 of its rules to grant a Writ of Certiorari after judgment to the United States Court of appeals for the Fourth Circuit, which has entered judgment on an appeal of this case. This court, and all public offices, is defined under Federal Rules of Civil Procedure (FRCP) Rule 4(j) as a FOREIGN STATE.

FACTUAL BACKGROUND

Plaintiff asks for help from the Supreme Court because she could not find a remedy in state court or tribal court.

This case is unprecedented in that it is unconscionable to change a person's valid will. It goes against the very basic notion of civility.

Even in death, one deserves justice...

It may be ironic that Petitioner minored in Native American history during her undergraduate studies and is a proponent of Native American rights, and also proud of her mother's Catawba heritage. This interest led her, a disabled Gulf War veteran, to meet fellow veteran and former Vice Chief of the Eastern Band of Cherokee Indians, Bill Ledford in 1997.

In 2007 Bill Ledford hired an attorney to create his will. To abide by tribal and state laws, two witnesses signed the sacred document. [During his lifetimes, Bill Ledford gave each of his five children 10 acres of land.]

Sadly, Bill Ledford passed away on October 29, 2013. His will was accepted as valid by Tribal Court and the State of North Carolina.

Although April Ledford is not an enrolled member of the Eastern Band of Cherokee Court, she was granted a life estate in the home she shared with Bill Ledford.

According to tribal law, Bill Ledford's children had three years to contest the will, but did not do so. Instead, they convinced 11 council members to change their father's will, resulting in her becoming homeless.

Council used a code that addresses situations wherein the decedent left no will.

Today, Plaintiff humbly asks for a jury trial in Federal Court because she cannot sue the tribe in state courts and she exhausted tribal remedies.

Also, Plaintiff asks this Honorable Court to review the case which states that the Indian Civil Rights Act (ICRA) may only be used in cases dealing with Habeas Corpus.

PROCEEDINGS BELOW

A. Tribal Court – Petitioner filed an appeal on June 23, 2017.

B The Court of Appeals

The Appeal was submitted on January 15, 2021.

REASONS FOR GRANTING THE WRIT

I. This Court Should Exercise Its Power to Grant Review Before Judgment

For several reasons, the circumstances of this case make it appropriate for granting Petitioner the writ of certiorari.

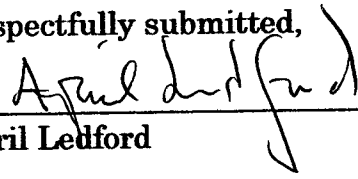
First, this case offers issues of fundamental importance. It concerns important constitutional and civil rights, and the resolution of these issues will have effects that reach out far beyond this case.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests the Court to grant her petition for certiorari before judgment.

The petition for writ of certiorari should be granted.

Respectfully submitted,



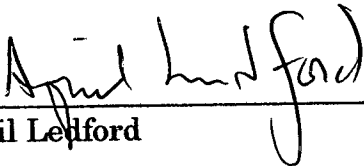
April Ledford

Date: June 25, 2021

Case No: _____

**April Ledford vs. the Eastern Band of Cherokee
Indians**

**This is to certify that April Ledford has written her
petition within the allowed word count.**



April Ledford

Date: June 25, 2021