

No. CA-11-008
Pascua Yaqui Court of Appeals

PASCUA YAQUI TRIBE
COURT OF APPEALS

NOV -3 2011

Margarita Andrade, Appellee

ISSUED
CLERK OF COURT

vs.

Alejandro Andrade, Jr., Appellant.

ORDER

Appeal of Tribal Court Case No: CV-11-129, the Honorable Melvin Stoof, presiding.

Yvonne Ayers, 7454 S. Camino Rahum, Tucson AZ 85757, for the Appellee.

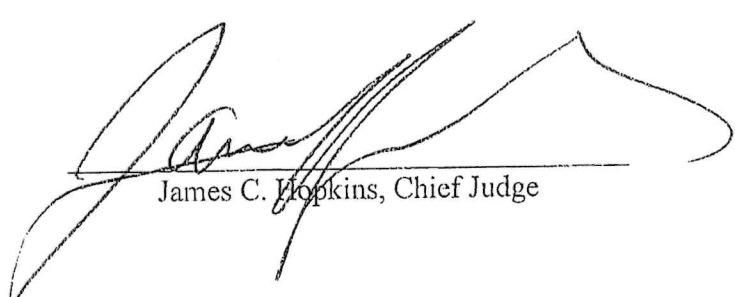
Fredric J. Brahms, P.O. Box 65493, Tucson AZ 85728, for the Appellant.

On October 28th, 2011 Appellant filed a Notice to Appeal the ruling regarding Appellant's standing to maintain an in loco parentis petition for visitation. On November 1, 2011 Appellee filed a motion to summarily dismiss the appellant's interlocutory appeal and asked that sanctions be imposed on Appellant and opposing counsel for interfering with the Court's speedy administration of the divorce proceeding. On November 3, 2011, Appellant filed a Motion to Dismiss Appeal (sua sponte) pursuant 3 PYTC § 2-3-90(F).

3 PYTC § 2-3-170(A) grants the Chief Justice the authority to review each appeal and summarily dismiss an appeal based on the filing of an impermissible interlocutory appeal.

The Chief Justice finds that CV-11-129 is a civil case where no final judgment has been entered. The Code prohibits interlocutory appeals of civil cases. Appellee, through her counsel, has agreed not to pursue her motion for summary dismissal of Appellant's appeal or seek sanctions for its filing. The Appellant's motion to dismiss the appeal is granted.

So **ORDERED** this 3rd day of November, 2011.



James C. Hopkins, Chief Judge

1 Original of the foregoing
2 filed by fax this 2nd day of November, 2011 in:

3 Pascua Yaqui Tribal Court of Appeals

4 Copy of the foregoing served by fax/mail
5 this 2nd day of November, 2011 to:

6 Yvonne Ayers, Esq.
7 Pascua Yaqui Legal Services
8 7474 S. Camino Rahum
9 Tucson, Arizona 85757
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FAX

Date:	11/2/2011
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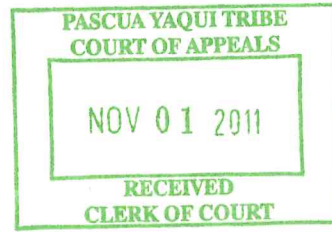
Pages including cover sheet:	3
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To:	Pascua Yaqui Tribal Court
	Pascua Yaqui Tribe
Phone	
Fax Number	+1 (520) 879-6277

From:	Richard Luff
	Microsoft
Phone	+1 (520) 445-8008
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NOTE:	
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1 PASCUA YAQUI LEGAL SERVICES
Yvonne Ayers
2 7454 S. CAMINO RAHUM
TUCSON, AZ 85757
3 (520) 879-5750
(520) 879-5752 fax



4 Attorney for Appellee

5 **IN THE PASCUA YAQUI TRIBE COURT OF APPEALS**

6
7 **IN RE THE MATTER OF:**

8)
9) **Tribal Court Case No.: CV-11-129**
10)
11) **Appellate Court No. CA-11-008**
12) **MARGARITA ANDRADE,**
13) **Appellee,**

14) **vs.**

15) **ALEJANDRO ANDRADE, JR.,**
16) **Appellant.**
17)
18)
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Petitioner/Appellee, Margarita Andrade (hereinafter "Appellee"), pursuant to Rule 6(A), through counsel undersigned, hereby moves the Court to SUMMARILY DISMISS Appellant's Appeal, the opening notice of which is entitled **NOTICE OF APPEAL RE RULING ON RESPONDENT'S STANDING TO MAINTAIN AN IN LOCO PARENTIS PETITION FOR VISITATION**. This motion is made pursuant to 3 PYTC § 2-3-90(F) & 3 PYTC § 2-3-170(A) which prohibit interlocutory appeals. Further reasons shall be set out more fully in the attached Memorandum of Points and Authorities.

MEMORANDUM OF POINTS AND AUTHORITIES

Introduction

The trial court's ruling relates to a ruling in a divorce case that does not resolve all the issues of the case. The ruling is an interlocutory order in a civil case that cannot be appealed. The

1 court found that Appellant lacks standing to seek court ordered custody or the resulting visitation
2 to which a non-custodial parent would be entitled and so ordered that part of the Petition
3 dismissed. Appellant, in the Notice of Appeal makes a bootstrap argument that he is entitled to
4 visitation based on Arizona law and claims that the court misinterpreted 5 PYTC§ 2-170 (D)(2).

5 The trial court ruling and order did not impact visitation of the two common biological
6 children of the parties. The property and debt issues between the parties remain undetermined
7 and the case in chief has not been tried. The Pascua Yaqui Rules of Appellate Procedure dictate
8 that intervention by this Court at this juncture is not permitted, as will be set out below.

9 **I. Summary of the Trial Court's Ruling and Order**

10 The court found that pursuant to 5 PYTC§ 2-170 (D)(2) Appellant had no right to seek a
11 custody determination or court ordered visitation on three separate legal grounds. The trial court
12 also found that Appellant lacks standing to seek court ordered visitation because he has admitted
13 that he is not a **parent** of the child in question. See 5 PYTC §2-240 (A). The court ordered
14 dismissal of Appellant's requests for custody and visits for lack of jurisdiction. Appellant deems
15 this pretrial ruling by the trial court to be erroneous, seeks reversal of the portion of the ruling
16 relating to **visitation only** and thereby seeks to interrupt the divorce proceedings below with this
17 frivolous, interlocutory appeal.

18 **II. The Appellate Court Cannot Exercise Jurisdiction over an Interlocutory Appeal in a** 19 **Civil Case.**

20 Assuming *arguendo* that the court's ruling was erroneous (which is not being conceded
21 herein), Appellant cannot appeal the trial court ruling at this juncture because it is neither a final
22 order nor a resolution of the entire controversy. Section 90 (F) on interlocutory appeals provides:

23 **Interlocutory appeals shall not be permitted in civil cases.** (Emphasis added.)

24 See 3 PYTC § 2-3-90(F).

1 The chief justice is asked to expeditiously review the **NOTICE OF APPEAL RE**
2 **RULING ON RESPONDENT'S STANDING TO MAINTAIN AN IN LOCO PARENTIS**
3 **PETITION FOR VISITATION** and summarily dismiss this matter on grounds of lack of
4 jurisdiction, frivolity and the filing of an interlocutory appeal pursuant to Rule 15(A), which
5 provides for review of Appeal as follows:

6
7 The chief justice shall have the authority to review each appeal and summarily dismiss an
8 appeal based upon lack of jurisdiction, frivolity, a party's failure to prosecute, **filing of an**
9 **interlocutory appeal** and similar reasons. (Emphasis added.)

10 See 3 PYTC § 2-3-170(A).

11 **Conclusion:**

12 A summary dismissal is appropriate and necessary to allow the expeditious resolution of
13 the real issues of this divorce case at the trial court level. Otherwise, this dilatory tactic will have
14 been successful in creating delayed, piecemeal litigation. In order to discourage this type of
15 interference with the speedy administration of justice in divorce cases, sanctions should be
16 imposed upon the offending attorney, lay advocate and Appellant, including, but not limited to
17 sanctions, penalties or sanctions that the court may deem appropriate. 3 PYTC § 2-3-330. A
18 speedy resolution of this matter by the Chief Justice will alleviate the need for Appellee to
19 respond to the substance of the appeal with a brief. No briefing schedule should be set.

20 DATED this 1st day of November, 20 11.

21 PASCUA YAQUI LEGAL SERVICES

22 
23 Yvonne Ayers
24 Attorney for Appellee

25 Original filed with Pascua Yaqui Tribe Court of Appeals on the 1st day of November
2011.

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Copies mailed/faxed this 1st day of November, 2011 to:

Fredric J. Brahms, JD mailed/faxed
P.O. Box 65493
Tucson, AZ 85728
FAX (520)445-8008

Rachel Rico mailed/faxed
9170 S. Fillmore Rd.
Tucson, AZ 85736

By my signature I, Yvonne Ayers, attorney for Appellee, hereby certify that I sent copies of the foregoing motion by certified mail & faxed copies to Fredric J. Brahms on the date indicated above Yvonne Ayers.

PASCUA YAQUI LEGAL SERVICES
Yvonne Ayers
7454 S. CAMINO RAHUM
TUCSON, AZ 85757
(520) 879-5750
(520) 879-5752 fax

Attorney for Appellee

IN THE PASCUA YAQUI TRIBE COURT OF APPEALS

IN RE THE MATTER OF:

**MARGARITA ANDRADE,
Appellee,**

vs.

**ALEJANDRO ANDRADE, JR.,
Appellant.**

)
) **Tribal Court Case No.: CV-11-129**
)
) Appellate Court No. CA-11-008
)
) **AFFIDAVIT IN SUPPORT OF**
) **APPELLEE'S MOTION TO**
) **SUMMARILY DISMISS APPELLANT'S**
) **INTERLOCUTORY APPEAL**
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)

I, Yvonne Ayers, a licensed attorney admitted to practice in Pascua Yaqui Courts and a member of the Pascua Yaqui Bar Association, being first duly sworn upon my oath depose and say that:

1. I am the attorney for Appellee and I have submitted the attached motion for Procedural Orders entitled APPELLEE'S MOTION TO SUMMARILY DISMISS APPELLANT'S INTERLOCUTORY APPEAL.

2. The motion may be acted upon without a response because a response from Appellant will not change the undeniable fact that case CV-11-129 is a civil case that has not been tried and the Court of Appeals may take judicial notice of that fact.

3. Counsel for Appellee attempted to secure a stipulation regarding dismissal of Appeal CA-11-008 by sending the following email to Fredric Brahms at approximately 11:00a.m on

11/1/11.

At 1:00 p.m. today I plan to file a procedural motion entitled **APPELLEE'S MOTION TO SUMMARILY DISMISS APPELLANT'S INTERLOCUTORY APPEAL**

with the Pascua Yaqui Tribe Court of Appeals asking that the appeal be dismissed on the grounds that it is a prohibited interlocutory appeal in a civil case. Would you agree to sign and file either a stipulation or motion agreeing to completely dismiss the appeal *sua sponte* today? If so, please advise so I will not have to pursue this motion, contact me immediately or ASAP at (520)879-5754 or please respond to this e-mail with your decision.

4. Counsel for Appellee has sent an email to Fredric Brahms only since he is the only legal representative of Appellant who has an email address.

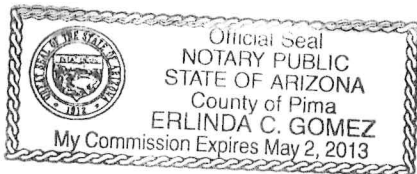
5. Counsel for Appellee also scanned and sent a copy of the motion entitled **APPELLEE'S MOTION TO SUMMARILY DISMISS APPELLANT'S INTERLOCUTORY APPEAL**.

Further Affiant sayeth not.



Yvonne Ayers, Attorney for Appellee

Subscribed and sworn to before me by Yvonne Ayers this 1st day of November 2011.

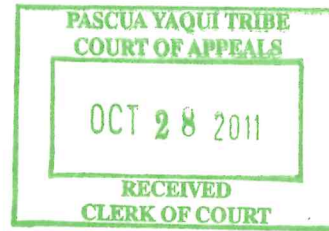




Notary

1 Fredric J. Brahms, J.D.
2 P.O. Box 65493
3 Tucson, AZ 85728
4 (520) 304-3111; Fax: (520)445-8008

5 Rachel Rico, Lay Advocate
6 9170 S. Fillmore Rd.
7 Tucson, AZ 85736
8 (520) 409-1306
9 Co-Counsel for Respondent/Appellant



7 **IN THE PASCUA YAQUI TRIBAL COURT OF APPEALS**
8 **IN AND FOR THE PASCUA YAQUI INDIAN RESERVATION**

9 **IN RE DISSOLUTION OF:**

10 **MARGARITA ANDRADE,**
11 **Petitioner/Appellee,**

12 **vs.**

13 **ALEJANDRO ANDRADE, JR.,**
14 **Respondent/Appellant**

) CV-11-129

) **NOTICE OF APPEAL RE RULING ON**
) **RESPONDENT'S STANDING TO**
) **MAINTAIN AN IN LOCO PARENTIS**
) **PETITION FOR VISITATION**

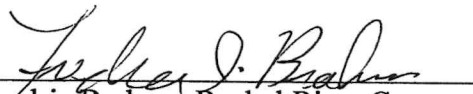
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18 Respondent/Appellant, Alejandro Andrade, Jr.(hereinafter "Appellant"), by and through
19 undersigned counsel, hereby appeals this Court's September 30, 2011 ruling denying Appellant
20 standing to maintain an *in loco parentis* visitation petition regarding the minor child, M.A.,(See
21 attached Order) on the following grounds:

- 22 (1) The Court misinterpreted 5PYTC §2-170(D)(2) as controlling on this issue as that
23 code section covers only petitions for "custody" by a non-parent, not visitation as
24 sought by Appellant under A.R.S. § 25-415(C), and misinterpreted the meaning of
25 "custody" in §2-170(D)(2) as encompassing "visitation", as well.
- 26 (2) The Court should have considered Appellant's petition for visitation, pursuant to
27 A.R.S. §25-415(C), as a new matter under 5PYTC §1-30(D), and granted Appellant
28 standing thereby to maintain such petition.

1 (3) The Court misplaced reliance on the U.S. Supreme Court decision in *Troxel v.*
2 *Granville*, No. 99-138 (U.S. 06/05/2000). The Supreme Court in *Troxel* limited its
3 ruling to a determination that a Washington State statute, which granted “any person”
4 the right to maintain a petition for visitation, was unconstitutionally overbroad. As
5 such, that decision is not applicable to a petition for visitation under A.R.S. §25-
6 415(C), which, in contrast to the Washington State statute, permits a person, who
7 stands *in loco parentis* to a child, as defined therein, and meets other requirements, an
8 opportunity to file a petition for visitation with such child.

9 (4) The Court mischaracterized Appellant’s petition as seeking “custody or visits” as the
10 petition only seeks *in loco parentis* visitation under A.R.S. §25-415(C).

11 **DATED** this 28th day of October, 2011.

12
13
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15 
Fredric Brahms, Rachel Rico, Co-counsel
for Respondent/Appellant

16 Original of the foregoing
17 filed this 28th day of October, 2011 in:

18 Pascua Yaqui Tribal Court of Appeals

19 Copy of the foregoing mailed/ served
20 this 28th day of October, 2011 to:

21 Larry Ward, Esq.
22 Pascua Yaqui Legal Services
23 7474 S. Camino Rahum
Tucson, Arizona 85757

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IN THE PASCUA YAQUI TRIBAL COURT
IN AND FOR THE PASCUA YAQUI INDIAN RESERVATION

In Re the Marriage of :)	Case No. CV-11-129
MARGARITA ANDRADE,)	
Plaintiff,)	ORDER FOR CONTINUANCE,
And)	ORDER GRANTING MOTION TO
ALEJANDRO ANDRADE, JR.,)	DISMISS CUSTODY ALLEGATIONS,
Respondent.)	ORDER DENYING AD LITEM REQUEST,
)	AND PRE-TRIAL ORDER
)	

On September 30, 2011, the Court matter came before the court for trial. Ms. Andrade appeared with her attorney, Larry Ward, and Mr. Andrade appeared with his advocates, Fredric Brahms and Rachel Rico.

The Court finds it has personal and subject matter jurisdiction over the parties who are both Pascua Yaqui tribal members and both resided within the Pascua Yaqui reservation for the 90 days prior to the filing of the petition for dissolution of marriage.

The petitioner argues that the respondent has no standing to make a request for custody or visits, because he is not the parent of the child, Mario Andrade. Mr. Andrade argues that the Court should apply Arizona law, based on in loco parentis, because he signed the child's birth certificate as the child's father and has acted as a parent for the past 8 years. Through his own admission, Mr. Andrade is not the biological father of the child. The child was born on November 26, 2002. The parent, Margarita Andrade married Mr. Andrade on December 31, 2002. After the marriage, Mr. Andrade did not establish parentage or file any petition for paternity as to the child, Mario, nor did he file any action to adopt the child as his own. There was no proceeding for Legitimation per subsequens matrimonium for the child, Mario. The respondent indicated that the biological father was present in Court and willing to establish his paternity for the court. The Court denied the request, because Mr. Andrade has already admitted that he is not the biological father, he did not adopt the child, and that there is no action for adoption of Mario pending.

The domestic relations code is silent as to who is a "parent" under Pascua Yaqui law. However, the juvenile code defines parent as follows:

[i]ncludes a natural or adoptive parent but does not include persons whose parental rights have been terminated not does it include the unwed father whose paternity has not been acknowledged or established.

5 PYTC § 7-20.

1 Ms. Andrade as the natural mother is the parent of the child. At the time of the child's birth,
2 the Andrades were not married, and the statute clearly states that a parent does not include
3 "the unwed father whose paternity has not been acknowledged or established." Because he is
4 not a natural father of the child, Mr. Andrade has no standing to assert custody rights or
visitation rights to the child, Mario.

5 As an alternative argument to the in loco parentis one, Mr. Andrade indicated the
6 tribal custody provision allows a person other than the parent to file for custody and visits.
The Code provision reads in its entirety as follows:

7 A custody proceeding is commenced in the Tribal Court:

8 (1) By a parent filing a petition:

9 (a) For dissolution of marriage or legal separation; or

10 (b) For custody of the child; or

11 (2) By a person other than the parent, by filing a Petition for the custody of the child,
12 **but only if he is not in the physical custody of one of his parents.** (Emphasis
added).

13 5 PYTC § 2-170(D).

14 Because the child is in the custody of his parent, Ms. Andrade, the petition by Mr. Andrade as
15 a "person other than a parent" should be dismissed.

16 As a third argument, Mr. Andrade argues that he has a right to file for "visitations"
17 even though he is someone other than a parent. Such a right has been denied in the U.S
18 Supreme Court case of *Troxel v. Granville* in which grandparents were awarded visitation
rights against the mother's wishes, based on a Washington state statute that allowed someone
other than a parent to file for visitations at any time. The U.S. Supreme Court in finding the
Washington state statute unconstitutional wrote:

19 . . . we have recognized the fundamental right of parents to make
20 decisions concerning the care, custody, and control of their children.
21 See, e.g., *Stanley v. Illinois*, 405 U.S. 645, 651 (1972) ("It is plain
22 that the interest of a parent in the companionship, care, custody, and
23 management of his or her children 'come[s] to this Court with a
momentum for respect lacking when appeal is made to liberties
which derive merely from shifting economic arrangements' "
24 (citation omitted)); *Wisconsin v. Yoder*, 406 U.S. 205, 232 (1972)
("The history and culture of Western civilization reflect a strong
25 tradition of parental concern for the nurture and upbringing of their
children. This primary role of the parents in the upbringing of their
26 children is now established beyond debate as an enduring American
tradition"); *Quilloin v. Walcott*, 434 U.S. 246, 255 (1978) ("We
27 have recognized on numerous occasions that the relationship
between parent and child is constitutionally protected"); *Parham v.*
28 *J. R.*, 442 U.S. 584, 602 (1979) ("Our jurisprudence historically has
reflected Western civilization concepts of the family as a unit with

1 broad parental authority over minor children. Our cases have
2 consistently followed that course"); *Santosky v. Kramer*, 455 U.S.
3 745, 753 (1982) (discussing "[t]he fundamental liberty interest of
4 natural parents in the care, custody, and management of their
5 child"); *Glucksberg, supra*, at 720 ("In a long line of cases, we have
6 held that, in addition to the specific freedoms protected by the Bill
7 of Rights, the 'liberty' specially protected by the Due Process
8 Clause includes the righ[t] ... to direct the education and upbringing
9 of one's children" (citing *Meyer* and *Pierce*)). In light of this
10 extensive precedent, it cannot now be doubted that the Due Process
11 Clause of the Fourteenth Amendment protects the fundamental right
12 of parents to make decisions concerning the care, custody, and
13 control of their children.

14 Section 26.10.160(3), as applied to Granville and her family in
15 this case, unconstitutionally infringes on that fundamental parental
16 right. The Washington nonparental visitation statute is
17 breathtakingly broad. According to the statute's text, "[a]ny person
18 may petition the court for visitation rights *at any time*," and the court
19 may grant such visitation rights whenever "visitation may serve *the*
20 *best interest of the child*." §26.10.160(3) (emphases added). That
21 language effectively permits any third party seeking visitation to
22 subject any decision by a parent concerning visitation of the parent's
23 children to state-court review. Once the visitation petition has been
24 filed in court and the matter is placed before a judge, a parent's
25 decision that visitation would not be in the child's best interest is
26 accorded no deference. Section 26.10.160(3) contains no
27 requirement that a court accord the parent's decision any
28 presumption of validity or any weight whatsoever. Instead, the
Washington statute places the best-interest determination solely in
the hands of the judge. Should the judge disagree with the parent's
estimation of the child's best interests, the judge's view necessarily
prevails. Thus, in practical effect, in the State of Washington a court
can disregard and overturn *any* decision by a fit custodial parent
concerning visitation whenever a third party affected by the decision
files a visitation petition, based solely on the judge's determination
of the child's best interests. The Washington Supreme Court had the
opportunity to give §26.10.160(3) a narrower reading, but it
declined to do so. See, e.g., 137 Wash. 2d, at 5, 969 P.2d, at 23
("[The statute] allow[s] any person, at any time, to petition for
visitation without regard to relationship to the child, without regard
to changed circumstances, and without regard to harm"); *id.*, at 20,
969 P.2d, at 30 ("[The statute] allow[s] 'any person' to petition for
forced visitation of a child at 'any time' with the only requirement
being that the visitation serve the best interest of the child").

1 Turning to the facts of this case, the record reveals that the
2 Superior Court's order was based on precisely the type of mere
3 disagreement we have just described and nothing more. The
4 Superior Court's order was not founded on any special factors that
5 might justify the State's interference with Granville's fundamental
6 right to make decisions concerning the rearing of her two daughters.
7 To be sure, this case involves a visitation petition filed by
8 grandparents soon after the death of their son—the father of Isabelle
9 and Natalie—but the combination of several factors here compels our
10 conclusion that §26.10.160(3), as applied, exceeded the bounds of
11 the Due Process Clause.

12 First, the Troxels did not allege, and no court has found, that
13 Granville was an unfit parent. That aspect of the case is important,
14 for there is a presumption that fit parents act in the best interests of
15 their children. As this Court explained in *Parham*:

16 “[O]ur constitutional system long ago rejected any notion that a
17 child is the mere creature of the State and, on the contrary, asserted
18 that parents generally have the right, coupled with the high duty, to
19 recognize and prepare [their children] for additional obligations. ...
20 The law's concept of the family rests on a presumption that parents
21 possess what a child lacks in maturity, experience, and capacity for
22 judgment required for making life's difficult decisions. More
23 important, historically it has recognized that natural bonds of
24 affection lead parents to act in the best interests of their children.”
25 442 U.S., at 602 (alteration in original) (internal quotation marks
26 and citations omitted).

27 Accordingly, so long as a parent adequately cares for his or her
28 children (*i.e.*, is fit), there will normally be no reason for the State to
inject itself into the private realm of the family to further question
the ability of that parent to make the best decisions concerning the
rearing of that parent's children. See, *e.g.*, *Flores*, 507 U.S., at 304.

Troxell v. Granville, 530 U.S. 57 (2000).

23 The Court should grant the motion to dismiss the respondent's request for custody and visits
24 for lack of jurisdiction. The mother of the child, Mario, has a fundamental right to determine
25 the care, custody, and control of her child. Because the Court grants the motion to dismiss,
26 the motion for summary judgment and for petitioner's guardian ad litem request for Mario
Andrade are both rendered moot.

27 The petitioner argued that he did not receive respondent's list of witnesses and
28 documentary evidence until September 27, 2011, and the respondent stated that the petitioner
did not provide any such list to him at all. The Court finds that the petitioner had disclosed
through interrogatories answers the names and addresses of persons who may be testifying at

1 time of trial. In order to allow both parties the opportunity to review witness statements and
2 documents, the Court should order that each party fully disclose the following:

- 3 The names and addresses of all witnesses they expect to present at trial, and the basic
- 4 information to which they expect the witness to testify;
- 5 All documents they expect to introduce as evidence, and the basic information which
- 6 they intend to prove with the documents, and
- 7 All objects which they intend to introduce as evidence and the basic information
- 8 which they intend to prove with this objects.

9 The Court should grant the continuance, for good cause shown, and reset this matter
10 for trial on October 21, 2011 at 9:00 a.m..

11 **IT IS ORDERED** that the mater shall be continued for good cause shown, and the
12 matter is re-set for a trial on October 21, 2011 at 1:00 p.m. – 5:00 p.m.. **THIS IS THE**
13 **ONLY NOTICE OF HEARING YOU WILL RECEIVE.**

14 **IT IS FURTHER ORDERED** that both parties shall exchange the following no later
15 than October 14, 2011 :

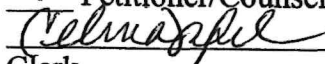
- 16 The names and addresses of all witnesses they expect to present at trial, and the basic
- 17 information to which they expect the witness to testify;
- 18 All documents they expect to introduce as evidence, and the basic information which
- 19 they intend to prove with the documents, and
- 20 All objects which they intend to introduce as evidence and the basic information
- 21 which they intend to prove with this objects.

22 Each party shall provide to the Clerk a copy of the list of exhibits, marked for identification,
23 that each intends to introduce at time of trial and a list of witnesses whom each intends to call.
24 Any motions in limine or other objections shall be addressed at 1:00 p.m. on October 21, 2011
25 prior to trial.

26 **IT IS FURTHER ORDERED** that the Court dismisses Mr. Andrade’s request for
27 custody of and visitations with the child, Mario, because Mr. Andrade has no standing to do
28 so, because he had not adopted the child and because he is not the biological parent of the
child.

SO ORDERED THIS 30th DAY OF SEPTEMBER, 2011


Associate Judge, Pascua Yaqui Tribal Court

cc: Date: 10/05/11
 Petitioner/Counsel Respondent/Counsel

Clerk