

IN THE SUPREME COURT OF THE CHEROKEE NATION

In Re: Legislative Act 39-05
(Election Code)

Case No. SC-2007-01

Cherokee Nation and
Cherokee Nation Tribal Council.

2007 MAR 20 PM 4: 07
FILED
CHEROKEE NATION
SUPREME COURT
KENDALL BIRD, COURT CLERK

**ORDER VACATING OPINION OF THE DISTRICT COURT AND
REMANDING WITH INSTRUCTIONS TO DISMISS**

¶1. On December 15, 2006, the Cherokee Nation through Diane Hammons, Its Attorney General and the Tribal Council through Todd Hembree, their Attorney, filed a joint request in the District Court in case no. CV-06-93 before the Hon. John T. Cripps, District Judge for declaratory relief interpreting a listing of Constitutional and Statutory provisions. The District Court issued its Order February 12, 2007. From that decision, the Appellants have sought review of this Court.

¶2. The Court has reviewed the files and records before us in this matter, giving due regard to the provisions of Article VIII the Constitution of 1999 and LA 11-07, and FINDS:

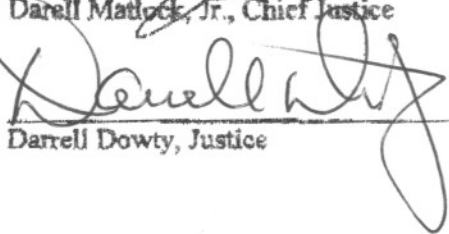
¶3. That the District Court lacks jurisdiction to give judicial opinion regarding the general interpretation of legislation. Absent an actual case or controversy, the general interpretation of legislation is not properly before the District Court and is not ripe for judicial determination.

¶4. IT IS THEREFORE ORDERED that the Order of the District Court dated February 12, 2007, is hereby VACATED and this matter is remanded to the District Court with instructions to DISMISS.

Done this 20 day of March, 2007.

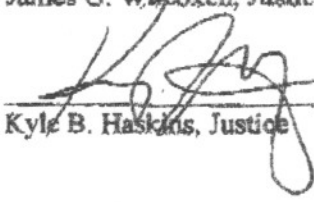


Darrell Matlock, Jr., Chief Justice



Darrell Dowty, Justice

James G. Wilcoxon, Justice



Kyle B. Haskins, Justice

Certificate of Mailing

I certify that the foregoing was sent by facsimile transmission or mail on 20th day of March, 2007 to the following:

Todd Hembree, fax # 458- 9898
Diane Hammons, fax # 458-5099
Cherokee Nation Tribal Council, fax # 431-4143



Kendall Bird, Court Clerk
Cherokee Nation Supreme Court