

West Bank Homeowners Association v. Riverside County

Status Update – October 8, 2010

The West Bank Homeowners Association filed a lawsuit in state court against Riverside County, the Sheriff's Department, and Sheriff Sniff, alleging that under a federal civil rights statute the constitutional rights of its members were threatened by the refusal of the defendants (the Sheriff) to enforce California's Penal Code which prohibits the forcible removal of persons, their homes, and their property without due process of law or a court order. This lawsuit stems from the participation and allowance by the Sheriff in the removal of the Ron Jones' mobile home by CRIT, and the Sheriff's stated policy that it would do nothing different in the future to protect any WBHA member. Requests for protection had been denied because the Sheriff claimed the issues were civil, not criminal. The lawsuit seeks a declaration that the law requires the Sheriff to protect disputed area residents, and seeks a permanent injunction ordering it to do so.

After the lawsuit was filed, CRIT officials and agents came on to the property of Roger French, WBHA president, and "surveyed" personal property including a mobile home, trailers, boats, personal watercraft, etc. in what clearly appeared to be the first move before removing Roger and his property, again without a court order, just like what happened with Ron Jones. In response, WBHA filed a request for a preliminary injunction seeking protection until the trial occurred. A hearing was set for October 15, 2010 in California Superior Court.

The October 15, 2010 hearing in the California Superior Court in Blythe has since been cancelled because the case has been transferred to the Federal Court located in Riverside. The federal civil rights statute allows either party to request the matter be heard in federal court, even if first filed in state court. The defendants (Riverside County) have filed such a request which automatically transfers or "removes" the state lawsuit to federal court. This transfer of jurisdiction automatically has cancelled the October 15, 2010 hearing in Blythe.

In the meantime, in what appears to be a strategy reversal in response to the WBHA lawsuit, CRIT served Roger with an unlawful detainer action (eviction). It appears CRIT has decided to abandon its self help methods and has begun the process of trying to obtain a court order. The first step will probably be a tribal eviction trial. If this is truly a pattern for the future and no other members are threatened without due process like Ron Jones, then there may be no need to renew the motion (our lawsuit) in federal court. If however, any move is made against any WBHA member without a court order, we would immediately seek court relief using the lawsuit already filed.

It is clear that the only thing stopping CRIT from exercising self-help against disputed area residents is the WBHA civil rights lawsuit against the Sheriff and Riverside County. It appears that the defendants (Riverside County & Sheriff) will attempt to defeat the lawsuit using technical arguments rather than legal arguments. If Riverside County is successful and thereafter continues with its refusal to enforce the law, self help will be the result and every members' constitutional rights will mean nothing.

The complaint portion of the lawsuit has been posted on the West Bank website under County.