


UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

FILED

AUG 09 2002


CLERK

UNITED STATES OF AMERICA,

CIV 02- 5071

Plaintiff,

vs.

ALEXANDER "ALEX" WHITE PLUME,
PERCY WHITE PLUME, and their
agents, servants, assigns, attorneys, and
all others acting in concert with them,

GOVERNMENT'S
MOTION FOR TEMPORARY
RESTRAINING ORDER
AND MOTION FOR
PRELIMINARY INJUNCTION

Defendants.

Comes now the United States of America, by and through its attorneys, and respectfully
moves the Court:

(1) for a Temporary Restraining Order pursuant to 21 U.S.C. § 882(a) and Federal Rule of Civil Procedure 65(b) enjoining the defendants, Alexander "Alex" White Plume, Percy White Plume, and their agents, servants, assigns, attorneys and all others acting in concert with them from:

(a) possessing marijuana, manufacturing marijuana, distributing marijuana, possessing marijuana with the intent to manufacture or distribute, or conspiring to manufacture, distribute, or possess with intent to manufacture or distribute marijuana, a Schedule I controlled substance, on the Pine Ridge Indian Reservation or elsewhere, in violation of 21 U.S.C. §§ 841(a)(1), 844, & 846; and

(b) distributing marijuana to Madison Hemp & Flax Company of Lexington, Kentucky, or to any other person or entity before, on or after Wednesday, August 14, 2002, on the Pine Ridge Indian Reservation or elsewhere, in violation of 21 U.S.C. § 841(a)(1) and 21 U.S.C. § 846; and

(c) maintaining the following two described parcels of land for the purpose of manufacturing or distributing marijuana, in violation of 21 U.S.C. § 856(a)(1):

Parcel 6647, located within Range 44 West, Township 38 North, Section 12; and

Parcel 6645, located within Range 44 West, Township 38 North, Sections 11 and 12.

The United States further respectfully moves the Court:


(2) for an Order granting a Preliminary Injunction under 21 U.S.C. § 882(a) and Federal Rule of Civil Procedure 65(a) enjoining the defendants, Alexander “Alex” White Plume, Percy White Plume, and their agents, servants, assigns, attorneys and all others acting in concert with them from possessing marijuana, manufacturing marijuana, distributing marijuana, possessing marijuana with the intent to manufacture or distribute, maintaining a place for the purpose of manufacturing or distributing marijuana, or conspiring to manufacture, distribute, or possess with intent to manufacture or distribute marijuana, a Schedule I controlled substance, on the Pine Ridge Indian Reservation or elsewhere, in violation of 21 U.S.C. §§ 841(a)(1), 844, 846, & 856(a)(1), at any time in the future after the filing of the Complaint in this matter.

In support of these motions for injunctive relief under the Controlled Substances Act and the Federal Rules of Civil Procedure, the United States provides an accompanying Memorandum of Law.

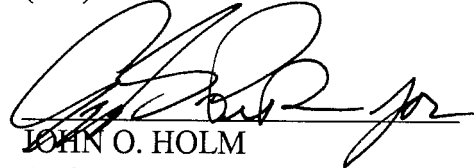
The United States respectfully requests that the Court immediately grant the Motion for a Temporary Restraining Order and set a date for hearing on the Motion for Preliminary Injunction.

Dated this 9 day of August, 2002.

JAMES E. McMAHON
United States Attorney
By:

A handwritten signature in black ink, appearing to read 'M A Vargo', written over a horizontal line.

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A handwritten signature in black ink, appearing to read 'John O. Holm', written over a horizontal line.

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