

## **Akin Gump Secures Favorable SCOTUS Decision in Tribal Land Case**

February 27, 2018

(Washington, D.C.) – In a decision released today in *Patchak v. Zinke, Secretary of the Interior, et al.*, the U.S. Supreme Court affirmed the D.C. Circuit Court’s dismissal of a lawsuit filed against the Secretary of the Interior on the grounds that an act of Congress mandated the dismissal of the case. A team from Akin Gump briefed and argued the case on behalf of the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians (“the Tribe”), whose property was at the center of the dispute.

In 2005, the Tribe petitioned the Secretary of the Interior to place a parcel of land in southwestern Michigan into trust for the Tribe for the purposes of building a casino. The Secretary agreed, and the Tribe opened a casino there in 2011.

A nearby landowner filed a lawsuit challenging the Secretary’s decision on statutory grounds. Following several years of litigation (including a previous trip to the Supreme Court), the district court eventually dismissed the landowner’s suit on the ground that a 2014 act passed by Congress, the Gun Lake Act, stripped the court of jurisdiction to hear the case; the D.C. Circuit upheld that decision. In today’s decision, the Supreme Court affirmed the dismissal by a 6-3 vote. A four-Justice plurality held that the Gun Lake Act did not violate Article III of the Constitution, and two Justices concurred in the judgment on the ground that the Act validly reinstated sovereign immunity from suit.

Beyond resolving an important issue of constitutional law, today’s decision brings this long-running lawsuit to an end—thereby providing the Tribe certainty and security in its crucial land-development efforts.

The Akin Gump team representing the Tribe in this case was led by Supreme Court and appellate practice co-head [Pratik Shah](#), and included litigation partner [James Tysse](#) and associate [G. Michael Parsons](#).

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