

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

|                            |   |                   |
|----------------------------|---|-------------------|
| _____                      | ) |                   |
| DOUGLAS J. LUCKERMAN,      | ) |                   |
|                            | ) |                   |
| Plaintiff,                 | ) |                   |
|                            | ) |                   |
| v.                         | ) | C.A. No. 13-185 S |
|                            | ) |                   |
| NARRAGANSETT INDIAN TRIBE, | ) |                   |
|                            | ) |                   |
| Defendant.                 | ) |                   |
| _____                      | ) |                   |

**MEMORANDUM AND ORDER**

WILLIAM E. SMITH, United States District Judge.

Plaintiff Douglas Luckerman, an attorney who formerly represented Defendant Narragansett Indian Tribe ("Tribe"), brought suit against the Tribe for breach of contract. (Complaint, ECF No. 1.) This Court determined that the doctrine of tribal exhaustion applied to Plaintiff's claim and stayed that action pending consideration by the Tribal Court. (ECF No. 16.) Plaintiff has filed a Motion to Vacate, arguing that "[i]t has now become clear that the Tribe does not have a properly constituted and functioning tribal court . . . ." (Pl.'s Mot. 1, ECF No. 45.) Magistrate Judge Almond denied Plaintiff's Motion without prejudice. (Mem. and Order, ECF No. 53.) Plaintiff has

now filed an Objection to Magistrate Judge Almond's decision. (ECF No. 55.)<sup>1</sup>

Where, as here, the Court is confronted with an Objection to a Magistrate Judge's ruling on a non-dispositive matter, the Court will "modify or set aside any part of the order that is clearly erroneous or is contrary to law." Fed. R. Civ. P. 72. Having reviewed Magistrate Judge Almond's Memorandum and Order, as well as the Parties' submissions, the Court finds no such error. Contrary to Plaintiff's arguments, Magistrate Judge Almond did address the issue of whether the Tribal Court is functioning and capable of addressing the matter before it. Magistrate Judge Almond specifically determined that Plaintiff had not made a "sufficient showing" that "the Tribe does not have a properly constituted or functioning Tribal Court." (Mem. and Order 3, ECF No. 53; see also id. n.3.) Based on the evidence in the record, the Court finds that Magistrate Judge Almond's determination is neither "clearly erroneous" nor "contrary to law." Plaintiff's Objection (ECF No. 55) is DENIED. IT IS SO ORDERED.



William E. Smith  
United States District Judge  
Date: December 22, 2016

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<sup>1</sup>Defendant has submitted a Response to that Objection (ECF No. 59), and Plaintiff has submitted a Reply (ECF No. 60).