

AUG 28 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

KALTAG TRIBAL COUNCIL; HUDSON
SAM; SALINA SAM,

Plaintiffs - Appellees ,

v.

KARLEEN JACKSON, in her official
capacity as Commissioner of Alaska
Department of Health and Social Services;
BILL HOGAN, in his official capacity as
Deputy Commissioner of Alaska
Department of Health and Social Services;
and PHILLIP MITCHELL, in his official
capacity as Section Chief of the Alaska
Bureau of Vital Statistics,

Defendants - Appellants.

No. 08-35343

D.C. No. CV-06-211-TMB

MEMORANDUM *

Appeal from the United States District Court
for the District of Alaska
Timothy M. Burgess, District Judge, Presiding

Argued and Submitted August 5, 2009
Anchorage, Alaska

Before: FARRIS, THOMPSON and RAWLINSON, Circuit Judges.

* This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

Plaintiffs-Appellees Kaltag Tribal Council (“Kaltag”), Selina Sam and Hudson Sam (collectively, “Kaltag plaintiffs”) filed this case in district court against Karleen Jackson, Bill Hogan, and Phillip Mitchell, employees of the State of Alaska, Department of Health and Human Services. The Kaltag plaintiffs alleged that an adoption judgment issued by the Kaltag court is entitled to full faith and credit under § 1911(d) of the Indian Child Welfare Act (“ICWA”), and that the Alaska employees were required to grant the request for a new birth certificate. The district court granted the Kaltag plaintiffs’ motion for summary judgment and denied the Alaska employees’ summary judgment motion. The Alaska employees appeal. We have jurisdiction under 28 U.S.C. § 1291 and we affirm.

The district court’s decision that full faith and credit be given to the Kaltag court’s adoption judgment is compelled by this circuit’s binding precedent. *See Native Village of Venetie IRA Council v. Alaska*, 944 F.2d 548 (9th Cir. 1991). The district court correctly found that neither the ICWA nor Public Law 280 prevented the Kaltag court from exercising jurisdiction. Reservation status is not a requirement of jurisdiction because “[a] Tribe’s authority over its reservation or Indian country is incidental to its authority over its members.” *Venetie*, 944 F.2d at 559 n.12 (citations omitted).

The Eleventh Amendment does not bar the relief sought by the Kaltag plaintiffs. *Id.* at 552.

AFFIRMED.