

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

HEAD CHIEF, MENDOCINO INDIAN RESERVATION, LORD DEVIN: MALLONEE,
*In his capacity as Constitutional Guardian of the Mendocino California Agency Tribal Nations
and of the National Federation of Mendocino, and as Sovereign Father, Tribal Head, and Lawful
Guardian of the Minor Children,*

Petitioner,

v.

CHILD AND FAMILY SERVICES AGENCY (CFSA),
200 I Street, SE, Washington, DC 20003,
THE UNITED STATES OF AMERICA,
and
ALL PERSONS HOLDING CUSTODY OF THE MINOR CHILDREN,

Respondents.

**PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 25 U.S.C. § 1303, 28 U.S.C. § 2241, AND THE INDIAN CHILD WELFARE
ACT, 25 U.S.C. § 1901 et seq.**

EMERGENCY PETITION

I. INTRODUCTION AND SUMMARY OF PETITION

1. Petitioner, **Head Chief, Mendocino Indian Reservation, Lord Devin: Mallonee**, brings this emergency Petition for a Writ of Habeas Corpus on behalf of his minor children, who are being unlawfully detained by the Respondents, including the Child and Family Services Agency (CFSA), in violation of federal law, the Indian Child Welfare Act (ICWA), 25 U.S.C. § 1901 *et seq.*, the Indian Civil Rights Act (ICRA), 25 U.S.C. § 1301 *et seq.*, the Fifth and Fourteenth Amendments to the United States Constitution, and international human rights law.
2. The children are **Indian children** as defined by 25 U.S.C. § 1903(4), and they are subject to the **exclusive jurisdiction** of the Mendocino California Agency Tribal Nations, a federally recognized tribal government with full and complete jurisdiction over the

custody and welfare of its tribal children. **The Constitution of the Mendocino California Tribal Nations of the Mendocino Indian Reservation** expressly declares that the Tribe exercises jurisdiction based on **"INHERENT SOVEREIGNTY predating the United States government"**.

3. The Respondents, including CFSA, have unlawfully removed, kidnapped, and continue to detain the minor children without any valid court order, without exhaustion of tribal remedies, and in direct violation of ICWA's exclusive jurisdiction provisions.

4. Critically, the Respondents, including CFSA and federal authorities, have explicitly acknowledged, admitted, and/or stated that the minor children, Lord Devin: Christian James Mallonee and LADY Olivia: Mallonee, are being held as hostages. This admission confirms that the detention is not a legitimate child custody or protective measure, but rather an act of terrorism, hostage-taking, and a deliberate weaponization of governmental authority against the sovereign household of the Head Chief, Mendocino Indian Reservation.

II. JURISDICTION AND VENUE

5. This Court has jurisdiction pursuant to:
 - **25 U.S.C. § 1303** (Indian Civil Rights Act), which provides that *"the privilege of the writ of habeas corpus shall be available to any person, in a court of the United States, to test the legality of his detention by order of an Indian tribe"*;
 - **28 U.S.C. § 2241**, which authorizes federal courts to grant writs of habeas corpus to persons in custody in violation of the Constitution or laws of the United States;
 - **28 U.S.C. § 1331** (federal question jurisdiction), as this case presents substantial federal questions regarding tribal sovereignty, ICWA jurisdiction, and constitutional rights;
 - **25 U.S.C. § 1911(a)**, which grants Indian tribes **exclusive jurisdiction** over child custody proceedings involving Indian children who reside or are domiciled within the reservation or who are wards of the tribal court.
 6. Venue is proper in the District of Columbia pursuant to **28 U.S.C. § 1391** because:
 - **(a)** The Respondents, including CFSA, maintain their principal offices and conduct their operations within the District of Columbia at **200 I Street, SE, Washington, DC 20003**;
 - **(b)** The federal agencies responsible for the unlawful detention of the children are headquartered within the District of Columbia;
 - **(c)** The United States of America, a named Respondent, has its principal place of business and governmental operations within the District of Columbia.
 7. Petitioner has exhausted all available tribal remedies, and/or exhaustion is excused because tribal remedies are futile, unavailable, or have been disregarded by the Respondents, including CFSA.
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III. PARTIES

A. Petitioner

8. Petitioner, **Head Chief, Mendocino Indian Reservation, Lord Devin: Mallonee**, is the **Sovereign Father, Constitutional Guardian, Tribal Head, and Head Chief** of the Mendocino California Agency Tribal Nations, a federally recognized tribal government exercising full sovereign authority over its members and their children. Under the Tribal Constitution, **"The Head Chief, as Sovereign of the Mendocino California Tribal Nations, serves as Protector of Principles under God's guidance"**.
9. Petitioner is the lawful father and sovereign guardian of the minor children who are the subject of this Petition. He possesses full parental rights and tribal authority over the custody, care, and welfare of his children. As Head Chief, he represents **"the sovereignty of our people in all external relations"**.
10. Petitioner is the Head Chief and an enrolled member of the Mendocino California Agency Tribal Nations, and his children are **Indian children** as defined by 25 U.S.C. § 1903(4). The Tribal Constitution declares that **"Almighty God is recognized as the Supreme Sovereign over the Mendocino California Tribal Nations. All governmental authority exercised herein derives from and is accountable to His divine law"**.
11. Petitioner brings this Petition **pro se** on his own behalf and as the sovereign guardian of his children.

B. The Minor Children

12. The minor children who are the subject of this Petition are:
 - **Lord Devin: Christian James Mallonee** (son and Heir Apparent)
 - **LADY Olivia: Mallonee** (daughter)
13. Both children are **Indian children** within the meaning of 25 U.S.C. § 1903(4), as they are enrolled members of, and eligible for enrollment in, the Mendocino California Agency Tribal Nations.
14. Both children reside or are domiciled within the jurisdiction of the Mendocino California Agency Tribal Nations and/or are wards of the tribal court.
15. Both children are under the age of eighteen and are therefore minors under the law.

C. Respondents

16. **Child and Family Services Agency (CFSA)**, located at **200 I Street, SE, Washington, DC 20003**, including its agents, officers, employees, and instrumentalities, is the primary agency that has unlawfully removed, detained, and continues to withhold custody of the minor children. CFSA is the District of Columbia's child protective services agency, responsible for investigating reports of child abuse and neglect and for taking custody of children when deemed necessary.
17. The **United States of America**, including its agencies, departments, officers, agents, and instrumentalities, is named as a Respondent because CFSA operates under federal

laws, receives federal funding, and has acted in concert with federal authorities to unlawfully detain the children.

18. **All Persons Holding Custody of the Minor Children** are named as Respondents, including but not limited to any foster parents, care facilities, or other individuals or entities who are currently holding, detaining, concealing, or withholding custody of the minor children.
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IV. FACTUAL BACKGROUND

19. Petitioner, **Head Chief, Mendocino Indian Reservation, Lord Devin: Mallonee**, is the Sovereign Father and Constitutional Guardian of the Mendocino California Agency Tribal Nations, a tribal government with **exclusive jurisdiction** over child custody proceedings involving its tribal children under 25 U.S.C. § 1911(a). The Tribal Constitution establishes that **"the Tribal Government shall have jurisdiction over all tribal Government members and over all persons, subjects, property, and all activities occurring within its territory"**.
20. The Tribal Constitution further declares: **"The Mendocino California Tribal Nations of Mendocino Indian Reservation exercises jurisdiction based on inherent sovereignty predating the United States government. All references to federal law represent strategic adoption by sovereign choice under Worcester v. Georgia, 31 U.S. (6 Pet.) 515 (1832), and do not constitute recognition of external authority"**.
21. The Mendocino California Agency Tribal Nations has exercised its sovereign authority and issued lawful orders and decrees regarding the custody and welfare of the minor children, consistent with **Article V of the Tribal Constitution**, which vests **"all powers vested in the Tribal Government through its inherent sovereignty by Head Chief"**.
22. Despite the tribal court's exclusive jurisdiction, the Respondents, including CFSA, have unlawfully:
- **(a)** Removed the minor children from the custody and care of their sovereign father;
 - **(b)** Detained and continue to detain the children without any lawful court order or legal process;
 - **(c)** Refused to recognize or give full faith and credit to the tribal court's lawful jurisdiction and orders, in violation of 25 U.S.C. § 1911(d);
 - **(d)** Subjected the children and their father to successive, unlawful prosecutions in violation of the prohibition against Double Jeopardy;
 - **(e)** Weaponized the federal and local court systems to harass, intimidate, and destroy the sovereign royal household.
23. **Critically, the Respondents, including CFSA and federal authorities, have explicitly acknowledged, admitted, and/or stated that the minor children, Lord Devin: Christian James Mallonee and LADY Olivia: Mallonee, are being held as hostages. This admission confirms that the detention is not a legitimate child custody or protective measure, but rather an act of terrorism, hostage-taking, and a deliberate weaponization of**

governmental authority against the sovereign household of the Head Chief, Mendocino Indian Reservation.

24. CFSA has acted in violation of the Indian Child Welfare Act by failing to:
 - **(a)** Notify the Mendocino California Agency Tribal Nations of the removal proceedings, as required by 25 U.S.C. § 1912(a);
 - **(b)** Seek the transfer of jurisdiction to the tribal court, as required by 25 U.S.C. § 1911(b);
 - **(c)** Make active efforts to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family, as required by 25 U.S.C. § 1912(d);
 - **(d)** Comply with the placement preferences for Indian children, as required by 25 U.S.C. § 1915.
 25. The detention of the children, as admitted by the Respondents, constitutes **hostage-taking** and **crimes against humanity** in violation of international law, the Constitution of the United States, the Indian Civil Rights Act, and the Indian Child Welfare Act.
 26. The Respondents, including CFSA, have refused and continue to refuse to comply with the lawful Cease and Desist Order and the demands of the Mendocino California Agency Tribal Nations for the immediate return of the children.
 27. The Respondents have acted with deliberate indifference to the constitutional rights, human dignity, and sovereign immunity of the Petitioner and the Mendocino California Agency Tribal Nations. **The Tribal Constitution expressly protects sovereign immunity under Article XII - Sovereign Immunity.**
 28. The minor children are being held in unlawful detention by CFSA within the District of Columbia and/or within the jurisdiction of this Court.
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V. LEGAL ARGUMENT

A. The Tribal Constitution Establishes Inherent Sovereignty and Exclusive Jurisdiction

29. The **Preamble** to the Tribal Constitution declares that the Tribe exercises "**inherent sovereignty under God**" and exists to "**Preserve, secure and exercise all the inherent sovereign rights and powers of Head Chief**".
30. The **Sovereignty Interpretation Clause** states: "**The Mendocino California Tribal Nations of Mendocino Indian Reservation exercises Mendocino California's JURISDICTION (as defined in Article XIX) based on INHERENT SOVEREIGNTY (as defined in Article XIX) predating the United States government, as recognized in Worcester v. Georgia**".
31. **Article I, Section 2** of the Tribal Constitution provides: "**By federal law, the Tribal Government shall have jurisdiction over all tribal Government members and over all persons, subjects, property, and all activities occurring within its territory**".

32. **Article I, Section 3** declares: "**The Mendocino California Tribal Nations of Mendocino Indian Reservation exercises jurisdiction based on inherent sovereignty predating the United States government**".
33. The **Divine Sovereignty Clause** affirms: "**Almighty God is recognized as the Supreme Sovereign over the Mendocino California Tribal Nations. All governmental authority exercised herein derives from and is accountable to His divine law**".

B. The Indian Child Welfare Act Grants Exclusive Jurisdiction to the Tribal Court

34. The Indian Child Welfare Act, 25 U.S.C. § 1911(a), provides that:

"An Indian tribe shall have jurisdiction exclusive as to any State over any child custody proceeding involving an Indian child who resides or is domiciled within the reservation of such tribe, except where such jurisdiction is otherwise vested in the State by existing Federal law. Where an Indian child is a ward of a tribal court, the Indian tribe shall retain exclusive jurisdiction, notwithstanding the residence or domicile of the child."

35. The minor children are **Indian children** as defined by 25 U.S.C. § 1903(4), and they reside or are domiciled within the jurisdiction of the Mendocino California Agency Tribal Nations and/or are wards of the tribal court.
36. Therefore, the Mendocino California Agency Tribal Nations has **exclusive jurisdiction** over all child custody proceedings involving these children.
37. The Respondents' actions, including those of CFSA, in removing, detaining, and withholding the children constitute a direct violation of ICWA's exclusive jurisdiction provisions.

C. The Respondents Have Violated the Full Faith and Credit Provisions of ICWA

38. 25 U.S.C. § 1911(d) provides that:

"The United States, every State, every territory or possession of the United States, and every Indian tribe shall give full faith and credit to the public acts, records, and judicial proceedings of any Indian tribe applicable to Indian child custody proceedings to the same extent that such entities give full faith and credit to the public acts, records, and judicial proceedings of any other entity."

39. The Respondents, including CFSA, have refused and continue to refuse to give full faith and credit to the lawful orders and jurisdiction of the Mendocino California Agency Tribal Nations, in violation of 25 U.S.C. § 1911(d).

D. The Respondents Have Violated ICWA's Procedural Requirements

40. **25 U.S.C. § 1912(a)** requires that:

"In any involuntary proceeding in a State court, where the court knows or has reason to know that an Indian child is involved, the party seeking the foster care placement of, or termination of parental rights to, an Indian child shall notify the parent or Indian custodian and the Indian child's tribe, by registered mail with return receipt requested, of the pending proceedings and of their right of intervention."

41. CFSA failed to provide proper notice to the Mendocino California Agency Tribal Nations, in violation of § 1912(a).

42. **25 U.S.C. § 1912(d)** requires that:

"Any party seeking to effect a foster care placement of, or termination of parental rights to, an Indian child under State law shall satisfy the court that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts have proved unsuccessful."

43. CFSA failed to make any active efforts to prevent the breakup of the Indian family, in violation of § 1912(d).

44. **25 U.S.C. § 1915** establishes placement preferences for Indian children:

"(a) Adoptive placements; preferences. In any adoptive placement of an Indian child under State law, a preference shall be given, in the absence of good cause to the contrary, to a placement with (1) a member of the child's extended family; (2) other members of the Indian child's tribe; or (3) other Indian families."

45. CFSA has placed or intends to place the children in non-Indian foster care or other placements in violation of the placement preferences established by § 1915.

E. The Detention Violates the Indian Civil Rights Act, the Tribal Bill of Rights, and the Due Process Clause

46. The Indian Civil Rights Act, 25 U.S.C. § 1302, guarantees to all persons subject to tribal jurisdiction the rights to due process, equal protection, and freedom from arbitrary governmental action. **The Tribal Constitution's Article XIII - Bill of Rights** provides similar protections.

47. The Respondents' actions in detaining the children without lawful process, without a valid court order, and without any legal basis constitute a violation of the Due Process Clause of the Fifth Amendment to the United States Constitution.

48. The successive prosecutions of Lord Devin: Christian James Mallonee constitute a flagrant violation of the constitutional and common law prohibition against **Double Jeopardy**, as protected by the Fifth Amendment.

F. The Tribal Government Enjoys Sovereign Immunity from Unlawful Interference

49. **Article XII - Sovereign Immunity** of the Tribal Constitution expressly protects the Tribe from unlawful interference by external authorities.

50. The Respondents' actions constitute an unlawful intrusion upon the sovereign immunity and inherent sovereignty of the Mendocino California Agency Tribal Nations.

G. Habeas Corpus Is the Proper Remedy

51. **25 U.S.C. § 1303** provides that *"the privilege of the writ of habeas corpus shall be available to any person, in a court of the United States, to test the legality of his detention by order of an Indian tribe."*
52. While federal courts have generally held that habeas corpus under § 1303 is not available to test the validity of a child custody decree, **habeas relief is available to challenge the jurisdiction of a tribal court** or to challenge the legality of a detention that is in violation of federal law.
53. In *DeMent v. Oglala Sioux Tribal Court*, 874 F.2d 510, 514 (8th Cir. 1989), the court permitted a habeas petitioner to challenge the jurisdiction of a tribal court to determine custody.
54. Here, Petitioner challenges not merely the validity of a custody decree, but the **jurisdiction** of the Respondents to detain the children at all, given the **exclusive jurisdiction** of the Mendocino California Agency Tribal Nations under ICWA and the Tribal Constitution.
55. Furthermore, the children are being unlawfully detained by CFSA and federal authorities, not by the tribal court. This detention is subject to review under **28 U.S.C. § 2241**, which provides that federal courts may grant habeas corpus to persons in custody in violation of the Constitution or laws of the United States.

H. The Respondents Have Violated International Human Rights Law

56. The unlawful removal, detention, and withholding of the minor children, **which the Respondents have admitted constitutes hostage-taking**, are violations of:
- **(a) Hostage-taking**, in violation of the International Convention Against the Taking of Hostages;
 - **(b) Crimes against humanity**, as defined by the Rome Statute of the International Criminal Court;
 - **(c) Violations of the Universal Declaration of Human Rights**, including Articles 3 (right to liberty), 5 (freedom from cruel, inhuman, or degrading treatment), and 16 (protection of the family);
 - **(d) Violations of the Convention on the Rights of the Child**, including Articles 9 (protection of family unity), 10 (family reunification), and 37 (protection from arbitrary detention).
57. The United States is a signatory to these international instruments and is bound to respect and protect the rights guaranteed therein.

VI. EXHAUSTION OF REMEDIES

58. Petitioner, **Head Chief, Mendocino Indian Reservation, Lord Devin: Mallonee**, has exhausted all available tribal remedies, and/or exhaustion is excused because:
- **(a)** Tribal remedies are futile, as the Respondents, including CFSA, refuse to recognize tribal jurisdiction;
 - **(b)** Tribal remedies are unavailable, as the children are being held outside tribal territory by CFSA and federal authorities;
 - **(c)** The Respondents have acted in bad faith and with deliberate indifference to tribal sovereignty and the rights of the Petitioner and the children.
59. Petitioner has made every reasonable effort to resolve this matter through:
- **(a)** The issuance of a lawful Cease and Desist Order;
 - **(b)** Direct demands to CFSA and federal authorities for the immediate return of the children;
 - **(c)** The exercise of exclusive tribal jurisdiction over the children's custody;
 - **(d)** The issuance of lawful orders and decrees by the Mendocino California Agency Tribal Nations, consistent with **Article V - Powers of the Tribal Government**.
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VII. RELIEF REQUESTED

WHEREFORE, Petitioner respectfully prays that this Court:

1. **Issue a Writ of Habeas Corpus** directing the Respondents, including CFSA, to immediately produce the minor children, **Lord Devin: Christian James Mallonee** and **LADY Olivia: Mallonee**, before this Court;
 2. **Order the Immediate Release** of the minor children from all unlawful detention, custody, withholding, or concealment by the Respondents, including CFSA;
 3. **Order the Immediate Return** of the minor children to the lawful custody, care, and protection of their sovereign father and lawful guardian, **Head Chief, Mendocino Indian Reservation, Lord Devin: Mallonee**;
 4. **Declare** that the Mendocino California Agency Tribal Nations has **exclusive jurisdiction** over all child custody proceedings involving the minor children pursuant to 25 U.S.C. § 1911(a) and the Tribal Constitution;
 5. **Declare** that the Respondents' actions, including those of CFSA, in removing, detaining, and withholding the children are **null, void, and without legal effect**;
- 6. Declare** that the Respondents' admission of holding the minor children as hostages constitutes an **act of hostage-taking, terrorism, and a crime against humanity** under international law;
7. **Declare** that CFSA has violated the Indian Child Welfare Act, including but not limited to:
 - **(a)** 25 U.S.C. § 1912(a) (failure to provide notice);
 - **(b)** 25 U.S.C. § 1912(d) (failure to make active efforts);
 - **(c)** 25 U.S.C. § 1915 (failure to follow placement preferences);

8. **Declare** that the Respondents have violated the **Divine Sovereignty Clause, Sovereignty Interpretation Clause, Article I (Territory and Jurisdiction) , Article II (Sovereign Covenant) , Article V (Powers of the Tribal Government) , Article XII (Sovereign Immunity) , and Article XIII (Bill of Rights)** of the Constitution of the Mendocino California Tribal Nations of the Mendocino Indian Reservation;
 9. **Enjoin** the Respondents, including CFSA, from further interfering with the custody, care, or welfare of the minor children;
 10. **Award** such other and further relief as this Court deems just, equitable, and proper, including but not limited to:
 - **(a)** Declaratory relief that the Respondents have violated the Indian Child Welfare Act, the Indian Civil Rights Act, and the Fifth and Fourteenth Amendments;
 - **(b)** An award of attorney's fees and costs;
 - **(c)** Such other relief as the Court may deem appropriate.
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VIII. CERTIFICATION

I, **Head Chief, Mendocino Indian Reservation, Lord Devin: Mallonee**, certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: August 31, 2026

Head Chief, Mendocino Indian Reservation, Lord Devin: Mallonee
Constitutional Guardian of the Mendocino California Agency Tribal Nations
Constitutional Guardian of the National Federation of Mendocino
Supreme Veto Authority
Sovereign Father and Tribal Head
Pro Se Petitioner

VERIFICATION

I, **Head Chief, Mendocino Indian Reservation, Lord Devin: Mallonee**, being duly sworn, depose and say that I have read the foregoing Petition for Writ of Habeas Corpus and that the facts stated therein are true and correct to the best of my knowledge, information, and belief.

Head Chief, Mendocino Indian Reservation, Lord Devin: Mallonee

Subscribed and sworn to before me this 31 day of August, 2026.

Notary Public

My Commission Expires: NEVER