Mapp v. Viejas Band of Kumeyaay Indians, 2023 WL 6984586 (Cal. Ct. App., Oct. 24, 2023) (unpublished).

- **Holding**: The federal mandate at 42 U.S.C.A. § 666(f)), requiring States to adopt the Uniform Interstate Family Support Act, which defines the term "State" to include Indian tribes and nations, does not abrogate tribal sovereign immunity, so that court lacked jurisdiction to hear tribal employee's challenge to directive from Band and its Department of Child Support Services that employee's required gaming license would be conditioned upon satisfaction of any unpaid child support.
- **Summary**: Mapp, representing himself, brought an action in state court against the Viejas Band of Kumeyaay Indians (Band) and two employees of the Band, alleging that they told him he was required to obtain a gaming license, but due to his child support obligation, he would receive a conditional license that required termination of his employment on violation of any condition, and further alleging that such a threat violated California Family Code § 5290 (employers cannot use orders assigning portion of earnings for child support purposes as the basis for "taking any ,,, action adversely affecting the terms and condition of employment of an employee"). The trial court concluded that the Band and its employees possessed sovereign immunity, and quashed the service of summons of Mapp's complaint.

  On appeal, Mapp alleged that the court had jurisdiction under 18 U.S.C.A. § 1162 and 28 U.S.C.A. § 1360 (Public Law 280). The court ruled that Public Law 280 "expressly granted California state courts jurisdiction over *individual tribal members* in specified circumstances," but "does not provide jurisdiction over disputes involving a *tribe*."

  Mapp also argued that the Uniform Interstate Family Support Act, which states must adopt due to a federal mandate (42 U.S.C.A. § 666(f)), abrogates tribal sovereign immunity by providing that "the term 'State' … includes an Indian nation or tribe." The court ruled that "Mapp has not demonstrated that the cited provisions of the Uniform Interstate Family Support Act or any other provision of California's Family Code somehow abrogate the Band's immunity, constitute congressional authorization for his suit, or impart subject matter jurisdiction over the Band."

  And, while Mapp purported to sue the two Band employees "in their official and unofficial capacity," the court applied the holding in *Lewis v. Clarke,* 581 U.S. 155, that "courts may not simply rely on the characterization of the parties in the complaint" when assessing whether sovereign immunity bars suit against employees. The court concluded that Mapp, by alleging a violation of Family Code § 5290, was seeking a civil penalty against his "employer," so that any remedy and judgment would be expressly against the Band, and the other damages he sought "would effectively obligate the Band, not personally the individuals who were implementing the Band's gaming license rules and conditions," so that "[i]n short, the Band is the real party in interest, and sovereign immunity extends to the individual defendants."
- **Relevant (2023) Deskbook Section**: 7:13, 7:20