

**NON-REMOVABLE MILLE LACS BAND OF OJIBWE
DISTRICT OF NAY-AH-SHING**

IN THE COURT OF CENTRAL JURISDICTION

Larry P. Benjamin,

Petitioner,

Case No. 09 APP 05

vs.

**ORDER
FOR DISMISSAL**

Interim Chief Executive Marge Anderson,
Secretary Treasurer Herb Weyaus,
District I Representative Sandra Blake,
District II Representative Marvin Bruneau,
District III Representative Harry Davis,

Respondents.

Petitioner above-named filed a Writ of Mandamus in the Court of Central Jurisdiction seeking the Court to order a new election for the position of Chief Executive.

The Mille Lacs Band held a special election on December 16, 2008, to fill the position of Chief Executive. The winning candidate was Ms. Marge Anderson. Subsequent litigation resulted in a Memorandum Order of the Court of Appeals dated March 17, 2009, which directed, among other things, that the results of the December 16, 2008, special election should be invalidated; and that a new special election to fill the position of Chief Executive should be held.

Thereafter, the Mille Lacs Band Joint Session and Ms. Marge Anderson filed with the Court of Appeals motions for reconsideration of the March 17, 2009, Memorandum Order. The directives included in the Memorandum Order were stayed pending reconsideration.

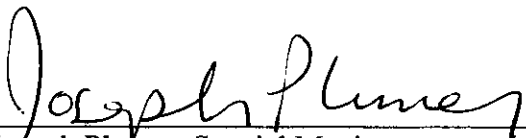
Upon reconsideration, the Court of Appeals vacated its March 17, 2009, Memorandum Order insofar as the earlier decision invalidated the results of the December 16, 2008, special election; and insofar as the earlier decision ordered that a new election be held for the position of Chief Executive.

Because the later decision of the Court of Appeals maintains intact the results of the December 16, 2008, special election, the mandamus relief sought by Petitioner herein is moot.

Petitioner's Writ of Mandamus is hereby DISMISSED with prejudice.

BY THE COURT

Dated: 10/18/09


Joseph Plumer, Special Magistrate
Court of Central Jurisdiction