

IN THE SAC & FOX TRIBE OF THE MISSISSIPPI IN IOWA TRIBAL COURT
COURT OF APPEALS

Joseph D. VanGorp,
Appellant,

v.

Sac & Fox Tribe of the
Mississippi in Iowa,
Appellee.

Case No.: AA-2021-0001
APP-2026-0001

Order (Affirming)

On July 1, 2026, the appellant Joseph D. VanGorp, proceeding *pro se*, appealed a June 3, 2026 Trial Court order denying the appellant's motion to reopen and supplement the record. Because the appellant failed to meet the strict timelines for post-judgment motions under Rule C-33 and Rule C-34, we affirm the Trial Court's order.

FACTS & PROCEDURAL HISTORY

The appellant is a former employee who served as Hemp Director from July 2019 until he was terminated on September 30, 2020. He appealed his termination to the Employee Appeals Board (hereinafter "Appeals Board"), who upheld the termination on October 16, 2020. The appellant appealed the Appeals Board's decision to the Trial Court and the Trial Court upheld the termination on January 18, 2021, determining:

1. Tribal Code Section 25-2605 pertains to the regulation of corporations licensed by the Meskwaki Tribe to grow hemp on the Meskwaki Settlement. Section 25-2605 is inapplicable to the regulation of individual employees of Tribal Operations.
2. Tribal Code Section 9-1311 (g) provides that the decision of the Appeals Board may be reversed only if the decision was arbitrary and capricious; or if the terminated employee was not provided notice and a meaningful opportunity to be heard; or the decision was contrary to the laws or public policy of the Tribe; or when rendering its decision, the Appeals

Board abused its discretion. Petitioner has failed to carry his burden to establish that any of the alternative grounds for reversal of the Appeals Boards' [sic] decision pursuant to Tribal Code Section 9-1311 (g). Order, AA-2021-0001, at 6-7 (SF Tr. Ct. Jan. 18, 2021).

The appellant filed a Motion to Reconsider on January 22, 2021 and the Trial Court denied the motion on March 1, 2021, stating:

The Court does not find that the Petitioner has met his burden in showing that this case should be reconsidered under Rule C-33 or Rule C-34. There is no showing of error, newly discovered evidence that could not have been revealed at trial, or any other reason justifying release from the judgment.

Order Denying Pet'r's Mot. for Recons., AA-2021-0001, at 2 (SF Tr. Ct. Mar. 1, 2021).

On January 12, 2026, the appellant filed a Motion to Reopen and Supplement the Record in this case citing "changed circumstances" and "new evidence of fraud." Mot. to Reopen and Suppl. R., AA-2021-0001, at 1 (SF Tr. Ct. Jan. 12, 2026). The Trial Court convened a virtual hearing on May 26, 2026 and issued an order on June 3, 2026 denying the motion to reopen and supplement the record, stating:

Petitioner has not provided any relevant reasons for the Court to reopen its 2021 decision, and to supplement the record by permitting essentially a new trial on the issue that have already been considered by the Court. Clearly, Petitioner disagrees with the prior decisions of the Tribal Administration and the Hemp Regulator. But Petitioner has failed to demonstrate any extraordinary circumstances that would justify reopening the 2021 decision of the Court pursuant to the applicable standards, and accordingly Petitioner's present Motion to Reopen is denied.

Order Denying Mot. to Reopen & Suppl. R., AA-2021-0001, at 9-10 (SF Tr. Ct. June 3, 2026). The Order concluded:

Petitioner's *Motion to Reopen and Supplement the Record* is dismissed for the following reasons: 1) Petitioner failed to properly serve the Motion according to the service of process requirements in Tribal Code Section 5-6301; 2) Petitioner failed to satisfy the strict timelines of Rule C-33 and Rule C-34 of the Meskwaki Rules of Civil Procedure for reopening the

Court's prior judgment; and 3) Petitioner failed to satisfy any of the limited reasons for reopening the Court's prior judgment, which are found in Rule C-33 and Rule C-34 of the Meskwaki Rules of Civil Procedure.

Id.

On July 1, 2026, the appellant filed a Notice of Appeal and brief, challenging the June 3, 2026 order.

STANDARD OF REVIEW

The Court reviews *de novo* the Trial Court's legal conclusions, including subject matter jurisdiction and the doctrine of sovereign immunity. *Sac & Fox Tr. of the Miss. in Iowa v. Attorney's Process & Investigation Servs., Inc.*, APP-2008-02-124, at 7 (SF App. Ct. Dec. 23, 2008) (citing *Mallet v. Bowersox*, 160 F. 3d 456, 459 (8th Cir. 1998)). In employing *de novo* review, the Court reviews the matter anew without any deference to the lower court's decisions, though the Court may still refer to the lower court's factual record and review findings of fact for clear error where necessary. *Id.* (citing S.F.R. App. P. A-7); *cf.* Fed. R. Civ. P. 52(a)(6).

Furthermore, the Court will employ an abuse of discretion standard whenever scrutinizing matters committed to the discretion of the Trial Court judge. *Sac & Fox Tr. of the Miss. in Iowa et al. v. Ray Young Bear and Alex Walker, Jr.*, APP-2009-01-194, at 4 (SF App. Ct. Sept. 18, 2009); *see also* *Sac & Fox Tr. of the Miss. in Iowa v. Attorney's Process & Investigation Servs., Inc.*, APP-2009-02-238, at n.3 (SF App. Ct. Jan. 11, 2010) citing *Gateway Eastern Ry. Co. v. Terminal RR Ass'n*, 35 F.3d 1134, 1142 (7th. Cir. 1994)¹

¹ This Court references external case law as persuasive, not binding, authority and in an attempt to demonstrate a consistent approach to basic legal principles. We are entitled to look to other jurisdictions "for the purpose of guidance and example when permitted by the laws of the Tribe and when no applicable specific Tribal common law is available." SAC & FOX TR. OF MISS. CODE §1-2101(b); *see also* *Sac & Fox*

(“[T]he "abuse of discretion" standard does not mean no review at all. It simply means that we shall not second-guess the decision of a trial judge that is in conformity with established legal principles and, in terms of its application of those principles to the facts of the case, is within the range of options from which one could expect a reasonable trial judge to select.”) Under this highly deferential standard, the Court will uphold the Trial Court’s findings unless “a decision is clearly unreasonable, is not supported by substantial evidence, or is the result of an erroneous application of the law.” *In re E.H.*, 578 N.W.2d 243, 246 (Iowa 1998).

DECISION

The Court of Appeals shall have appellate jurisdiction in all actions and proceedings properly before and originating in or permitted by law to be appealed from the Trial Court. SAC & FOX TR. OF MISS. CODE § 5-4103(a). Chapter 4 of the Dispute Resolution Code provides circumstances for an appeal, including:

An appeal may be taken from the Trial Court to the Court of Appeals and shall be heard by the Court of Appeals in the following circumstances:

- (1) From a final judgment entered in a proceeding before the Trial Court or to the Tribal Council;
- (2) From any special order made after final judgment in a proceeding before the Tribal Court

§ 5-4401(a)(1),(2).

An appeal under Section 5-4401 must be filed within thirty days from the issuance of the order or judgment being appealed. § 5-4402(a). Here, the final judgment in this case

Tr. of the Miss. et al., v. Ray Young Bear and Alex Walker, Jr., APP-2009-01-194, at n.1 (SF App. Ct. Sept. 18, 2009).

was issued on January 18, 2021. Although a motion to reconsider was filed and subsequently denied on March 1, 2021, the appellant did not appeal either decision in 2021. To challenge the final judgment, the appellant was required to file a notice of appeal no later than March 31, 2021—thirty days after the denial of the motion to reconsider — and he failed to do so. A party may not leverage successive or untimely filings as a mechanism to resurrect expired appellate deadlines or secure an unauthorized opportunity for appellate review.

Post-judgment relief is strictly circumscribed by procedural rules and foundational finality principles. Under established jurisprudence, litigation must reach a definitive end and procedural deadlines for relief from judgment are mandatory rather than discretionary. *See Bowles v. Russell*, 551 U.S. 205, 214 (2007) (emphasizing that “the taking of an appeal within the prescribed time is mandatory and jurisdictional”); *see also Snyder v. Allamakee Cnty.*, 402 N.W.2d 416, 418–19 (Iowa 1987) (holding that the entry of a final judgment terminates the trial court's power to proceed further or alter the parties' positions, absent a timely and appropriate post-judgment motion). Further, this Court has historically demanded unwavering compliance with prescribed timelines. *See In re: Alex Walker et al.*, 2004-02-020 (SF App. Ct. Jan. 18, 2006).

Here, there are two procedural avenues applicable to post-judgment relief, both of which have long since expired. First, a motion for new trial or motion to alter or amend a judgment may be filed no later than ten days after the entry of judgment. S.F.R. C-33(a), (d). Consequently, the deadline for a motion filed under Rule C-33 expired on January 28, 2021.

Second, Rule C-34 permits a post-judgment motion under limited circumstances, including mistake, inadvertence, surprise, excusable neglect, newly discovered evidence, fraud, misrepresentation, or other misconduct of an adverse party. S.F.R. C-34(b) (i) - (iii). However, a motion under Rule C-34 “shall be made within a reasonable time and for reasons (i) (ii) (iii) or (iv), not more than 20 days after the judgment, order or proceeding was taken.” S.F.R. C-34(c). Because the underlying judgment reached finality for post-judgment purposes on January 18, 2021, the time to seek relief under Rule C-34 expired on February 7, 2021.²

Furthermore, the appellant’s 2026 filings are procedurally barred. Even interpreting the “reasonable time” standard of Rule C-34 with the utmost leniency, a delay of nearly five years fails to satisfy the temporal requirements of the rule. Motions alleging even fundamental defects must be brought within a strict “reasonable time,” and a five-year delay is objectively unreasonable and procedurally fatal. *See Coney Island Auto Parts v. Burton*, 607 U.S. 155 (2026); *see also Groves v. Anderson*, No. 25-0736, 2026 WL ____ (Iowa Ct. App. Feb. 25, 2026). The continuous lodging of successive motions³ represents an impermissible attempt to re-litigate a final judgment that has long since been settled. The Trial Court did not abuse its discretion in denying the motion to reopen the case and the June 3, 2026 Order is affirmed.

² The appellant also filed a Motion to Set Aside Judgment on August 4, 2021 alleging excusable neglect, new evidence, and potential fraud or misconduct by the accusing party, and citing Rule C-34(b)(i), (ii), and (iii). Under Rule C-34(c), a motion on any of these grounds must be filed within 20 days. Because the 20-day window expired on February 7, 2021, the appellant’s August 4 motion was time-barred.

³ The appellant filed motions on January 12, 2026 (Motion to Reopen and Supplement Record); March 19, 2026 (Motion to Supplement Record); March 19, 2026 (Motion For Production of Documents); April 2, 2026 (Motion for Confirmation of Record); May 12, 2026 (Final Post-Hearing Supplement in Support of Motion to Reopen); and May 13, 2026 (Final Post-Hearing Memorandum in Support of Motion to Reopen).

IT IS SO ORDERED.

Dated this 11th of September 2026.

Tricia A. Zunker

Hon. Tricia A. Zunker, Chief Justice
Meskwaki Court of Appeals

[Signature]

Hon. Brooktyn Blood, Associate Justice
Meskwaki Court of Appeals

Brent L. Hinder

Hon. Brent L. Hinder, Associate Justice
Meskwaki Court of Appeals