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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

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11 **COUNTY OF SHASTA**

12 ALLEN DONALD MCCLOSKEY,

13 Case No.:

14 Petitioner,

15 vs.

16 **PETITION FOR WRIT OF MANDAMUS**
17 **(California Code of Civil Procedure § 1085)**

18 STACEY EADS, in her official capacity as
19 HUMBOLDT COUNTY DISTRICT
20 ATTORNEY

21 **[Unlimited Jurisdiction]**

22 ,
23 Respondents

24 Date: Time:

25 Dept: Judge:

26 **INTRODUCTION**

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- 1 Petitioner Allen Donald McCloskey brings this Petition for Writ of Mandamus to compel Respondent Stacey Eads, Humboldt County District Attorney, to fulfill her non-discretionary statutory duty to investigate and prosecute credible allegations of felony fraud committed by Sherri Provolt, a former Yurok Tribal Council Member and employee/board of director/oversight authority. Despite repeated demands, including formal correspondence dated June 2, 2025, April 23, 2025, December 18, 2025, and multiple unreturned phone calls, Respondent has exhibited a blatant disregard for the law, engaging in egregious inaction that borders on prosecutorial malpractice and dereliction of duty. This failure not only undermines public trust in the justice system but also perpetuates a perilous precedent for impunity in tribal-related financial crimes involving federal funds.
- 2 Provolt's scheme defrauded the Yurok Indian Housing Authority—a federally funded public housing entity—of approximately \$500,000, while also victimizing local title companies, banks, credit unions, and the U.S. Department of Housing and Urban Development (HUD). These acts constitute clear violations of California Penal Code §§ 503 (embezzlement), 484 (theft), 487 (grand theft), and 532 (theft by false pretenses), as well as federal statutes including 18 U.S.C. § 1163 (embezzlement from Indian tribal organizations), 18 U.S.C. § 666 (theft concerning programs receiving federal funds), and

18 U.S.C. § 1031 (major fraud against the United States). Respondent's silence and
refusal to act, despite overwhelming evidence and a straightforward investigative path
provided by Petitioner, represent an abuse of discretion and a violation of her obligations
under California Government Code § 26500, which mandates that the district attorney
"shall conduct on behalf of the people all prosecutions for public offenses within the
county."

3. This Petition pierces any veil of tribal sovereignty that might be invoked to shield Provolt
or justify Respondent's inaction. Provolt resides outside the Yurok Reservation
boundaries, rendering her off-reservation conduct squarely within state and federal
jurisdiction. Moreover, the fraud targeted non-tribal financial institutions and the Yurok
Housing Authority, a program heavily reliant on U.S. Government funding through
congressional "Indian Programs." The Yurok Tribe's extensive dependence on federal
 largesse—far outweighing any pretense of self-sufficiency—further undermines claims of
absolute sovereignty, as it directly contradicts their expressed dependency and subjects
such matters to external criminal and judicial oversight and accountability.

PARTIES

4. Petitioner Allen Donald McCloskey is a founding base-roll member of the Yurok Tribe,
with residence and offices located in Redding, CA, Shasta County. Petitioner has
standing as a concerned citizen and advocate who has repeatedly brought this matter to
Respondent's attention, suffering harm from the erosion of prosecutorial accountability
and the perpetuation of fraud against public and tribal resources. Courts have recognized
mandamus as appropriate for compelling prosecutorial action in cases of egregious
neglect, as in *Association of Deputy District Attorneys v. Gascon* (2022) 79 Cal.App.5th
503, where mandamus addressed failures in prosecutorial duties.

5. Respondent Stacey Eads is the Humboldt County District Attorney, sued in her official
capacity. Her office is located at 825 5th Street, 4th Floor, Eureka, CA 95501. As a
public prosecutor, the Respondent has a ministerial duty to investigate and prosecute
felonies within her jurisdiction.

JURISDICTION AND VENUE

6. This Court has jurisdiction pursuant to California Code of Civil Procedure § 1085, which
authorizes writs of mandamus to compel public officials to perform duties required by
law. Section 1085 expressly provides that a writ of mandate "may be issued by any court"
to any inferior tribunal, corporation, board, or person, conferring statewide jurisdiction on
superior courts to issue such writs, even against officials in other counties.

7. Venue is proper in Shasta County pursuant to California Code of Civil Procedure § 395
(general venue based on petitioner's residence) and to ensure an impartial proceeding free
from local biases. Petitioner resides and maintains his principal office in Shasta County,
and the effects of Respondent's inaction are felt here, including harm to Petitioner's
advocacy efforts and the broader public interest in accountability. Moreover, filing in

1 Humboldt County would risk inappropriate influence due to the inherent conflict of
2 interest and close working relationship between Respondent Eads and the Humboldt
3 County judiciary, who collaborate routinely in criminal matters. Pursuant to CCP §
4 397(b), venue may be changed when there is reason to believe that an impartial trial
5 cannot be had in the original county due to bias, prejudice, or political atmosphere.
6 Courts have granted changes of venue in similar circumstances to safeguard fairness (see,
7 e.g., *Maine v. Superior Court* (1968) 68 Cal.2d 375, recognizing pretrial publicity and
8 local biases as grounds for transfer; *People v. Tidwell* (1970) 3 Cal.3d 62, affirming
venue changes for impartiality). If venue is challenged, Petitioner requests retention or
transfer here under CCP § 397 to avoid any appearance of impropriety and ensure judicial
neutrality. CCP § 396 further supports non-dismissal for venue issues, allowing transfer
only if improper, which it is not given the bias concerns.

FACTUAL BACKGROUND

8. On or about dates prior to June 2025, Sherri Provolt, while serving as a Yurok Tribal
9. Council Member and employee, orchestrated a real property fraud scheme. Provolt
10. fraudulently appropriated approximately \$500,000 from the Yurok Indian Housing
11. Authority by misrepresenting land ownership and facilitating a fraudulent sale. This
12. scheme also defrauded non-tribal entities, including local title companies, banks, and
13. credit unions, and involved the misuse of federal HUD funds allocated to the Authority.
14. 9. Petitioner provided Respondent with detailed evidence, including documentation
15. outlining the fraud, witness statements, and a clear investigative roadmap. Despite this,
16. Respondent has failed to confirm any investigation, coordinate with the FBI or HUD's
17. Office of Inspector General, or file charges. This inaction persists despite multiple
demands, constituting a complete abdication of duty.
18. 10. Provolt's residence outside the Yurok Reservation boundaries removes any arguable
19. tribal jurisdictional shield for her conduct. The fraud extended beyond reservation lands,
20. impacting off-reservation financial institutions and federal programs. The Yurok Housing
Authority, while tribal in name, operates as a conduit for U.S. Government funds,
rendering the crimes subject to state and federal prosecution.
21. 11. The Yurok Tribe's profound reliance on federal funding starkly contradicts any claims of
22. independent sovereignty. Recent examples include: a \$26.4 million grant from the U.S.
23. Department of Health and Human Services for a Regional Wellness Center (2025); a \$30
million U.S. Department of Education Promise Neighborhoods grant (2021); a \$5 million
U.S. Department of Commerce grant for aerial imaging (2022); and a \$61 million grant
for high-speed internet infrastructure (2025). Additional support comes through the
Bureau of Indian Affairs and Inflation Reduction Act allocations, totaling hundreds of
millions in congressional "Indian Programs" funding. This dependency—evidenced by
the Tribe's declaration of emergency during the 2025 federal shutdown—demonstrates
that the Yurok Tribe functions more as a ward of the federal government than a fully
sovereign entity, subjecting fraud involving these funds to external criminal and judicial
scrutiny and piercing sovereignty claims that might otherwise apply. As noted in Yurok

Tribal Code § 11.02.100, the Tribe itself reserves rights to federal benefits where funding is insufficient, underscoring this reliance.

LEGAL ARGUMENT

12. Mandamus lies to compel performance of a clear, present, and ministerial duty, or to correct an abuse of discretion. (*Common Cause v. Board of Supervisors* (1989) 49 Cal.3d 432.) Here, Respondent's duty under Government Code § 26500 is unequivocal: to prosecute public offenses. While prosecutorial discretion exists in charging decisions, it does not extend to blanket inaction on well-documented felonies, especially those involving public funds and multiple victims. Such neglect constitutes an abuse warranting mandamus, as in *Gascon*, *supra*.
13. Any invocation of tribal sovereignty is meritless. Tribes lack full territorial sovereignty to enforce laws against non-members or in matters involving federal interests. (*Duro v. Reina* (1990) 495 U.S. 676, 685: "Oliphant recognized that tribes can no longer be described as sovereigns in this sense.") Tribal criminal jurisdiction is limited to members and does not extend to non-Indians (*Oliphant v. Suquamish Indian Tribe* (1978) 435 U.S. 191, 208), nor does it preempt state authority over off-reservation conduct by Indians (*Mescalero Apache Tribe v. Jones* (1973) 411 U.S. 145). Provolt's off-reservation residence and the fraud's impact on non-tribal entities and federal HUD funds place this squarely outside tribal purview. Furthermore, it should be stated that the Yurok Tribal Court, aside from lacking any and all jurisdictional authority, 'Tribal Judge' Abby has demonstrated a complete lack of competence in adjudicating such legal complexities and cannot demonstrate proper judicial independence, as she reports to and is overseen by the Yurok Tribal Council.
14. The Tribe's heavy dependence on federal funds further erodes sovereignty claims. Federal trust responsibilities and preemption doctrines prioritize protection of public resources over tribal autonomy in fraud cases (*Montana v. United States* (1981) 450 U.S. 544, 565). Where federal funds are involved, as under 18 U.S.C. § 666 and 24 C.F.R. Part 792, state and federal authorities must intervene to prevent abuse, overriding any contrary tribal assertions. Respondent's failure to act or refer to federal partners (e.g., FBI, HUD OIG) exacerbates this malpractice, risking complicity in the erosion of accountability.
15. This inaction sets a dangerous precedent, emboldening fraudsters and undermining federal mandates to safeguard tribal housing. Mandamus is the sole remedy to enforce compliance.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court:

a. Issue a peremptory writ of mandamus directing Respondent to immediately investigate the allegations against Sherri Provolt and, upon substantiation, file appropriate felony charges;

1 b. Award Petitioner costs and attorney fees (Pro Se research and drafting time) pursuant to Code
2 of Civil Procedure § 1021.5, as this action enforces an important and essential public right;

3 c. Grant such other relief as the Court deems just and proper so as to make a proper public
4 example of the Respondent and to deter any future behavioral relapse.

5 Dated: January 4, 2026

6 Respectfully submitted,

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9 Allen Donald McCloskey

10 Petitioner Pro Se

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14 1551 Market Street, Suite 215

15 Redding, CA 96001

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VERIFICATION

20 I, Allen Donald McCloskey, declare under penalty of perjury under the laws of the State of
21 California that I am the Petitioner in this action; that I have read the foregoing Petition and know
22 the contents thereof; and that the same is true of my own knowledge, except as to those matters
23 which are alleged on information and belief, and as to those matters, I believe them to be true.

24 Executed on January 4, 2026, at Redding, California.

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28 Allen Donald McCloskey

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SHASTA

[PROPOSED ORDER]

GRANTING PETITION FOR WRIT OF MANDAMUS (California Code of Civil Procedure § 1085)

The Court, having considered the Petition for Writ of Mandamus filed by Petitioner Allen Donald McCloskey on January 4, 2026, along with supporting evidence, declarations, and legal authorities, and finding overwhelming and irrefutable cause therefor, hereby GRANTS the Petition in its entirety and issues this peremptory writ with the utmost urgency, as follows:

FINDINGS

1. The Court finds, beyond any shadow of doubt, that Respondent Stacey Eads, Humboldt County District Attorney, has flagrantly violated her clear, present, and non-discretionary ministerial duty under California Government Code § 26500 to investigate and prosecute credible and well-substantiated allegations of public offenses within Humboldt County. This includes the egregious felony fraud perpetrated by Sherri Provolt, a former Yurok Tribal Council Member and employee, who defrauded the Yurok Indian Housing Authority—a federally funded entity—of approximately \$500,000, victimized non-tribal financial institutions, and brazenly misused U.S. Department of Housing and Urban Development (HUD) funds. These acts unequivocally violate California Penal Code §§ 503, 484, 487, and 532, as well as federal statutes 18 U.S.C. §§ 1163, 666, and 1031. Respondent's willful inaction constitutes a shocking dereliction of duty that demands immediate judicial correction.
2. Despite Petitioner's persistent and documented demands—including formal correspondence dated June 2, 2025, April 23, 2025, and December 18, 2025, along with numerous unreturned communications—Respondent has demonstrated a contemptuous disregard for her statutory obligations through complete and unjustifiable silence, egregious inaction, and blatant prosecutorial malpractice. This deliberate abdication not only erodes public trust but actively perpetuates impunity for serious tribal-related financial crimes, endangering federal mandates to safeguard public housing resources. Such gross neglect is indefensible and cannot be cloaked under the guise of prosecutorial discretion; it warrants forceful judicial intervention, as affirmed in *Association of Deputy District Attorneys v. Gascon* (2022) 79 Cal.App.5th 503 (mandamus appropriate for prosecutorial failures), *Common Cause v. Board of Supervisors* (1989) 49 Cal.3d 432 (mandamus to compel ministerial duties), and *Morse v. Municipal Court* (1974) 13 Cal.3d 149 (mandamus compelling commencement of proceedings).
3. The Court categorically rejects and pierces any purported veil of tribal sovereignty that might be invoked to shield Provolt or excuse Respondent's malfeasance. Provolt's residence outside the Yurok Reservation boundaries unequivocally places her criminal

1 conduct within the unassailable grasp of state and federal jurisdiction. The fraud brazenly
2 targeted off-reservation non-tribal entities and the Yurok Housing Authority, a program
3 utterly dependent on U.S. Government funding through congressional "Indian Programs."
4 The Yurok Tribe's abject and overwhelming reliance on federal largesse—including
5 grants totaling hundreds of millions from agencies such as the U.S. Department of Health
6 and Human Services (\$26.4 million in 2025), U.S. Department of Education (\$30 million
7 in 2021), U.S. Department of Commerce (\$5 million in 2022), and infrastructure
8 allocations (\$61 million in 2025), plus Bureau of Indian Affairs and Inflation Reduction
9 Act funds—starkly contradicts and obliterates any claims of independent sovereignty or
10 self-sufficiency. This status as a federal ward subjects all fraud involving these funds to
11 rigorous external oversight and prosecution, as established in *Duro v. Reina* (1990) 495
12 U.S. 676, *Oliphant v. Suquamish Indian Tribe* (1978) 435 U.S. 191, *Mescalero Apache*
13 *Tribe v. Jones* (1973) 411 U.S. 145, and *Montana v. United States* (1981) 450 U.S. 544.
14 No sovereignty claim can immunize these crimes or justify Respondent's outrageous
15 dereliction.

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4. Jurisdiction and venue are indisputably proper in Shasta County pursuant to California Code of Civil Procedure §§ 1085, 395, and 397(b), given Petitioner's residence and principal office here, the statewide authority of superior courts to issue mandamus writs against officials in other counties, and the imperative to avoid any taint of bias arising from Respondent's entrenched relationships with Humboldt County's judiciary. This venue ensures uncompromised impartiality and fairness, as supported by *Maine v. Superior Court* (1968) 68 Cal.2d 375, and *People v. Tidwell* (1970) 3 Cal.3d 62.
5. Petitioner possesses unquestionable standing as a concerned citizen, licensed attorney, and advocate directly harmed by the perpetuation of fraud, erosion of prosecutorial accountability, and systemic injustice. Mandamus is the sole and essential remedy where, as here, no adequate alternative exists to compel compliance with the law.

ORDER

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IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, with no tolerance for delay or evasion, that:

- a. A peremptory writ of mandamus shall issue immediately and forthwith, commanding Respondent Stacey Eads to launch without hesitation a comprehensive and expedited investigation into the allegations against Sherri Provolt, mandating full coordination with the Federal Bureau of Investigation (FBI), HUD's Office of Inspector General, and all other pertinent federal authorities as imperatively required under 24 C.F.R. Part 792 and associated statutes. Any attempt to shirk this directive will be viewed as contemptuous.
- b. Upon substantiation of the compelling evidence—already furnished in exhaustive detail by Petitioner, providing a clear and incontrovertible roadmap for verification—Respondent shall, without further procrastination or pretext, file and vigorously pursue appropriate felony charges against Provolt under the enumerated state and federal laws. **This shall occur no later than fifteen (15) days from the date of this Order.**

1 c. Respondent shall submit a sworn, detailed compliance report to this Court within ten (10) days
2 of this Order, outlining the investigation's progress, charges filed, and all coordination efforts
3 with federal partners. Subsequent reports shall be filed every seven (10) days thereafter until full
4 compliance is achieved. Non-compliance, delay, or inadequate reporting shall trigger immediate
5 sanctions, including but not limited to findings of contempt of court, imposition of monetary
6 penalties, referral to the California State Bar for disciplinary action and ethical investigation, and
7 potential removal from office proceedings. The Court will not hesitate to enforce these measures
8 rigorously.

9 d. Petitioner is hereby awarded all costs incurred and reasonable attorney fees pursuant to
10 California Code of Civil Procedure § 1021.5 [IN PROPRIA PERSONA], recognizing that this
11 action vindicates a paramount public right by enforcing prosecutorial accountability and
12 protecting vital federal and tribal resources. Petitioner shall submit a verified bill of costs and fee
13 application within ten (10) days, which the Court shall expeditiously approve.

14 e. This Order shall be served on Respondent immediately upon issuance, and the Court retains
15 full and continuing jurisdiction to monitor, enforce, and augment its terms, including through
16 additional hearings, oversight, or sanctions as necessary to ensure absolute compliance. Any
17 violation will be met with the full force of judicial authority.

18 **IT IS SO ORDERED.**

19 Dated: _____, 2026

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21 Hon. Justice of the Superior Court
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