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**SUPREME COURT CLARIFIES CONDITIONS FOR FILING FOR
RECONSIDERATION IN SPECIAL ACTIONS**

The Navajo Nation Supreme Court has issued an opinion in *Bowman v. Greyeyes*, No. SC-CV-63-11, which interprets Rule 19(d) of the Navajo Nation Rules of Civil Appellate Procedure regarding what must be done prior to requesting reconsideration in special actions.

In this case, Bowman had filed for a writ of habeas corpus after he was ordered by the Window Rock Family Court to be incarcerated with work release for violation of a domestic abuse protection order (DAPO). The Supreme Court summarily denied the writ on December 14, 2011, following which Bowman filed a petition asking the Court to reconsider.

Applications for writs are "special actions" covered by Rule 19(d) under which a petition for reconsideration of an order declining to accept jurisdiction of a petition for special action must first be permitted by specific order of the Supreme Court. In its opinion, the Court interprets the rule to mean that a request for the Supreme Court's leave to file a petition for reconsideration must first be obtained before the petition itself may be filed.

In this case, no motion for the Court's leave was filed. However, the Court accepted the pleading as if a motion for leave had, in fact, been filed. The Court then stated that in the future, all reconsideration petitions for special actions must be preceded by a motion for leave to file. The motion must also include sufficient details of the basis for reconsideration in order for the Court to make a ruling.

If no motion for leave is filed, a petition for reconsideration will not be considered in special actions.

The opinion is available on the www.navajocourts.org website.

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