

1:25-cv-00450-MWJS-RT Students for Fair Admissions v. Trustees of the Estate of Bernice Pauahi Bishop

Order on Motion for Leave to File 58 (No document attached)

Docket Text:

EO: Before the court are a [27] motion for leave to file an amicus curiae brief and a [48] motion for a non-party to intervene in this case.

The amicus motion was filed on November 13, 2025, by an individual identifying himself as "His Royal Highness Prince Ni'i Loa," "Sacred King Kamehameha VII," and "Heir to the Royal Principality of Hawai'i." Dkt. No. 27, at PageID.118. He supplemented this submission on December 12, 2025, and again on January 14, 2026. Dkt. Nos. 43, 44.

The intervention motion was filed on January 21, 2026, by an entity identifying itself as the "Council of Regency of the Hawaiian Kingdom," or simply, the "Hawaiian Kingdom." Dkt. No. 48, at PageID.294.

Both the amicus motion and the intervention motion seek to challenge, as the latter puts it, "the erroneous assumption that United States constitutional and statutory law supplanted Hawaiian Kingdom law." *Id.*; see also Dkt. No. 44, at PageID.266 (contending that "the asserted authority over lands originating in Royal Patent Grants rests upon an unresolved and structurally defective chain of sovereign conveyance," and that "this Court [therefore] lacks subject-matter jurisdiction").

But "the United States Supreme Court made clear over 130 years ago that '[w]ho is the sovereign, *de jure* or *de facto*, of a territory, is not a judicial, but a political, question, the determination of which by the legislative and executive departments of any government conclusively binds the judges.'" *Hawaiian Kingdom v. Biden*, Civ. No. 21-00243, 2022 WL2079649, at *2 (D. Haw. June 9, 2022) (quoting *Jones v. United States*, 137 U.S. 202,212 (1890)). That is why the "Ninth Circuit, this court, and Hawaii state courts have rejected arguments asserting Hawaiian sovereignty." *Id.* (collecting cases). As the Hawai'i Supreme Court has put it, "whatever may be said regarding the lawfulness of its origins, the State of Hawai'i . . . is now, a lawful government." *State v. Kaulia*, 1128 Hawai'i 479,487, 291 P.3d 377, 385 (2013) (cleaned up). This court is similarly bound to accept the lawfulness of the government of the United States and the applicability of its laws in this State.

To be sure, the amicus motion and intervention motion also make arguments about the proper interpretation of federal law and the Constitution of the United States, and refer to materials that might aid in interpreting both. But Plaintiffs and

Defendant are ably represented by counsel fully capable of submitting and raising arguments based on any such pertinent materials.

For these reasons, the above-referenced [27] motion for leave to file an amicus curiae brief and [48] motion for a non-party to intervene are DENIED.

IT IS SO ORDERED.

(JUDGE MICAH W.J. SMITH)

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