

FILED: August 11, 2026

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-2081
(1:24-cv-00078-CMH-IDD)

WINNEBAGO TRIBE OF NEBRASKA, a federally recognized Indian Tribe

Plaintiff - Appellant

v.

UNITED STATES DEPARTMENT OF THE ARMY; DANIEL DRISCOLL, in his official capacity as Secretary of the Army; UNITED STATES DEPARTMENT OF THE ARMY, OFFICE OF ARMY CEMETERIES; KAREN DURHAM-AGUILERA, in their official capacity as Executive Director of the Office of Army Cemeteries; RENE C. YATES, in their official capacity as Director of the Office of Army Cemeteries; TORSTEN GOJOWSKY, Lieutenant Colonel, in their official capacity as Garrison Commander of the United States Army Carlisle Barracks

Defendants - Appellees

UNITED SOUTH AND EASTERN TRIBES SOVEREIGNTY PROTECTION FUND; NATIONAL ASSOCIATION OF TRIBAL HISTORIC PRESERVATION OFFICERS; ASSOCIATION ON AMERICAN INDIAN AFFAIRS; CATAWBA NATION; GREAT PLAINS TRIBAL LEADERS HEALTH BOARD; SISSETON WAHPETON OYATE; SPIRIT LAKE TRIBE

Amici Supporting Appellant

O R D E R

The court denies the petition for rehearing and rehearing en banc. No judge requested a poll under [Fed. R. App. P. 40](#) on the petition for rehearing en banc.

Entered at the direction of the panel: Judge Harris, Judge Rushing, and Senior Judge Floyd.

For the Court

/s/ Nwamaka Anowi, Clerk