



INTERIOR BOARD OF INDIAN APPEALS

In Re Attorney Fees Request of F. Browning Pipestem

15 IBIA 178 (05/14/1987)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

IN RE ATTORNEY FEES REQUEST OF : Order Dismissing Petition
F. BROWNING PIPESTEM :
: Docket No. IBIA 87-14-F
:
: May 14, 1987

On September 22, 1986,, the Board of Indian Appeals (Board) received from Administrative Law Judge Sam E. Taylor a September 5, 1986, letter from F. Browning Pipestem (petitioner) which states, "Please accept this letter as confirmation of our intention to claim attorney fees in the Estate of Ella Dautobi." Judge Taylor forwarded the letter to the Board because the case was pending before it at that time. The appeal has since been decided. Estate of Ella Dautobi, 15 IBIA 111, reconsideration denied, 15 IBIA 164 (1987).

The Board determined that the petition for attorney fees should be docketed separately from the appeal in which it arose. The notice of docketing was issued on January 13, 1987, and set out a briefing schedule. Petitioner was given 30 days to file an opening brief. Petitioner did not file a brief or request an extension of time in which to file one.

On April 1, 1987, the Board issued an order to show cause why the petition should not be dismissed. Petitioner's response was due on April 24, 1987. Petitioner has not responded.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the petition for attorney fees filed in the Estate of Ella Dautobi by F. Browning Pipestem is dismissed for lack of prosecution.

//original signed
Anita Vogt
Acting Chief Administrative Judge

//original signed
Kathryn A. Lynn
Administrative Judge