



INTERIOR BOARD OF INDIAN APPEALS

City of San Bernardino v. Sacramento Area Director, Bureau of Indian Affairs

16 IBIA 123 (04/21/1988)



# United States Department of the Interior

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

CITY OF SAN BERNARDINO,	:	Order Dismissing Appeal
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 86-22-A
AREA DIRECTOR, SACRAMENTO	:	
AREA OFFICE, BUREAU OF	:	
INDIAN AFFAIRS,	:	
Appellee	:	April 21, 1988

This appeal has been pending since January 8, 1986, when appellant City of San Bernardino sought review by the Board of Indian Appeals of an August 22, 1985, decision of the Sacramento Area Director, Bureau of Indian Affairs, concerning the acquisition of certain land in trust for the San Manuel Band of Mission Indians and the approval of a bingo management contract for the same tribe. Following briefing, the Board determined that the issues involved in the appeal were substantially similar to those involved in a lawsuit pending in federal district court, City of San Bernardino v. San Manuel Band of Mission Indians, Civ. No. 85-6899-WJR(Bx), C.D. Cal. The Board was advised that the parties to the litigation in federal court were engaged in settlement negotiations which would dispose of the appeal before the Board as well as the federal court case. Therefore, on October 16, 1986, the Board stayed proceedings pending a settlement between the parties disposing of this appeal or issuance of a final order by the district court. Appellant was ordered to submit monthly status reports concerning the progress of the settlement. In orders dated November 25, 1986, and October 2, 1987, the Board again ordered appellant to submit monthly status reports. On March 18, 1988, after repeated failures by appellant to file status reports, the Board gave appellant until April 11, 1988, to show cause why its appeal should not be dismissed for failure to prosecute. Appellant was advised that further failures to submit status reports would result in dismissal of its appeal.

On April 20, 1988, the Board received appellant's untimely response to its March 18 order. In view of appellant's repeated failures to comply with Board orders, the Board declines to consider this untimely filed document.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal of the Sacramento Area Director's August 22, 1985, decision is dismissed for lack of prosecution.

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Anita Vogt  
Administrative Judge

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//original signed  
Kathryn A. Lynn  
Chief Administrative Judge