



INTERIOR BOARD OF INDIAN APPEALS

Kiowa Hearing Board v. Acting Southern Plains Regional Director,
Bureau of Indian Affairs

35 IBIA 107 (07/03/2000)



United States Department of the Interior

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

KIOWA HEARING BOARD, Appellant	:	Order Docketing and Dismissing Appeal
	:	
	:	
v.	:	
	:	Docket No. IBIA 00-91-A
ACTING SOUTHERN PLAINS REGIONAL DIRECTOR, BUREAU OF INDIAN AFFAIRS, Appellee	:	
	:	
	:	
	:	July 3, 2000

Appellant Kiowa Hearing Board sought review of a May 30, 2000, decision issued by the Acting Southern Plains Regional Director, Bureau of Indian Affairs (Regional Director; BIA), concerning an election for the Kiowa Indian Tribe of Oklahoma. The election was scheduled to be held on June 3, 2000. Appellant sought immediate, emergency, relief in the nature of a temporary restraining order (TRO) regarding the listing of certain candidates for office on the ballot.

In an order dated June 2, 2000, the Board stated:

Appellant has made no attempt to show that the Board has authority to grant a TRO or other similar relief. As it has repeatedly held, the Board is not a court of general jurisdiction, but rather has only that authority granted to it by the Secretary of the Interior. *See, e.g., Dailey v. Billings Area Director*, 34 IBIA 128, 129 (1999), and cases cited therein. Nothing in the Board's regulations in 43 C.F.R. Part 4, Subpart D, or the general regulations of the Office of Hearings and Appeals in 43 C.F.R. Part 4, Subpart B, authorizes the Board to issue an order in the nature of a TRO. Appellant has cited no other statutory or regulatory source of authority for the Board to grant such relief. Because Appellant has failed to show that the Board has the authority to grant relief in the nature of a TRO, the Board denies Appellant's request for emergency relief.

The Board gave Appellant until June 16, 2000, in which to state whether it wished to continue with this appeal. The Board noted: "Failure to respond will be deemed to constitute a decision not to continue the appeal." Appellant has not responded.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal is docketed but dismissed for failure to prosecute.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge