



## INTERIOR BOARD OF INDIAN APPEALS

Edward D. Smoke, et al. v. Eastern Regional Director, Bureau of Indian Affairs

35 IBIA 186 (08/25/2000)

Judicial review:

Vacated, *Tarbell v. Department of the Interior*, 307 F. Supp. 2d 409 (N.D.N.Y. 2004)



# United States Department of the Interior

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

EDWARD D. SMOKE, ET AL.,	:	Order Docketing and Dismissing Appeal
Appellants	:	
	:	
v.	:	
	:	Docket No. IBIA 00-82-A
EASTERN REGIONAL DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	August 25, 2000

Appellants Edward D. Smoke, Carol Herne, Barbara Lazore, Bryan Garrow, Erma White-Moore, Randall J. Connors, and Charles Terrance seek review of an April 24, 2000, decision of the Eastern Regional Director, Bureau of Indian Affairs, recognizing tribal officials for the Saint Regis Mohawk Tribe (Tribe). This appeal was stayed pending a tribal election on June 3, 2000. After the election, a motion to dismiss the appeal was filed by Hilda Smoke, Alma Ransom, Paul Thompson, and John Bigtree Jr. (Respondents). Respondents stated that they were elected in the June 3, 2000, election; that Appellants Herne, Lazore, Connors, and Terrance were unsuccessful candidates in that election; and that Appellants Smoke and Moore were not candidates.

Appellants oppose dismissal.

The Board has held that a valid tribal election held during the pendency of an appeal from a prior leadership dispute moots the earlier appeal. See, e.g., Rosales v. Sacramento Area Director, 32 IBIA 158, 167 (1998); Villegas v. Sacramento Area Director, 24 IBIA 150 (1993). Appellants do not allege here that the June 2000 election has been challenged. Under these circumstances, the Board finds no reason to depart from its prior holdings.

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 from the Eastern Regional Director's April 24, 2000, decision is docketed, but dismissed as moot.

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Kathryn A. Lynn  
Chief Administrative Judge

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//original signed  
Anita Vogt  
Administrative Judge