



INTERIOR BOARD OF INDIAN APPEALS

Paiute Indian Tribe of Utah v. Western Regional Director, Bureau of Indian Affairs

38 IBIA 15 (07/23/2002)

Related Board case:
40 IBIA 141



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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PAIUTE INDIAN TRIBE OF UTAH, Appellant v. WESTERN REGIONAL DIRECTOR, BUREAU OF INDIAN AFFAIRS, Appellee	: Order Docketing and Dismissing : Appeal : : : Docket No. IBIA 02-118-A : : : July 23, 2002
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This is an appeal under 25 C.F.R. § 2.8, "Appeal from inaction of official," in which the Paiute Indian Tribe of Utah alleges that the Western Regional Director, Bureau of Indian Affairs, has failed to take action on its request for trust acquisition of a 120-acre parcel near Kanosh, Utah.

Upon receipt of the Tribe's notice of appeal, the Board authorized the Regional Director to proceed with consideration of the Tribe's trust acquisition request and ordered him to advise the Board of the status of his consideration. In a response received by the Board on July 22, 2002, the Regional Director states that, by letter of July 16, 2002, he advised the Tribe of deficiencies in its application. He further states that the application will be returned to the Tribe for further work.

Under these circumstances, this appeal must be dismissed in order to permit the Tribe to correct the deficiencies in its application. Cf. Big Valley Band of Pomo Indians v. Pacific Regional Director, 36 IBIA 48 (2001) (Appeal brought under 25 C.F.R. § 2.8 dismissed where BIA was acting on the Band's trust acquisition request).

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 and dismissed without prejudice.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge