



INTERIOR BOARD OF INDIAN APPEALS

Jack and Shirley Baker v. Eastern Oklahoma Regional Director, Bureau of Indian Affairs

39 IBIA 267 (03/31/2004)

Related Board cases:

19 IBIA 164

20 IBIA 164

Reconsideration denied, 20 IBIA 237



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
801 NORTH QUINCY STREET
SUITE 300
ARLINGTON, VA 22203

JACK AND SHIRLEY BAKER,
Appellants

v.

EASTERN OKLAHOMA REGIONAL
DIRECTOR, BUREAU OF
INDIAN AFFAIRS,
Appellee

: Order Dismissing Appeal
:
:
:
: Docket No. IBIA 04-34-A
:
:
:
: March 31, 2004

Appellants Jack and Shirley Baker sought review of a November 24, 2003, decision of the Eastern Oklahoma Regional Director, Bureau of Indian Affairs (Regional Director), denying their request to have certain property in Tulsa County, Oklahoma, taken into trust status for their benefit. For the reason discussed below, the Board dismisses this appeal for failure to prosecute.

Appellants are required to serve copies of all documents filed with the Board on all interested parties. 43 C.F.R. § 4.310(b), 4.320(b). Appellants' notice of appeal did not include a statement that they had served all interested parties. In its February 12, 2004, Notice of Docketing and Order Concerning Service, the Board ordered Appellants to serve a copy of their notice of appeal on the Regional Director, the Assistant Secretary - Indian Affairs, and other interested parties known to Appellants, and provide the Board with a statement, on or before March 1, 2004, that they had done so. The Board advised Appellants that if they "fail to serve interested parties or fail to notify the Board that they have served interested parties within the time provided, this appeal will be dismissed for failure to prosecute." (Emphasis omitted.)

The Board received no response from Appellants.

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

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Kathleen R. Supernaw
Acting Administrative Judge