



INTERIOR BOARD OF INDIAN APPEALS

Don Horn v. Rocky Mountain Regional Director, Bureau of Indian Affairs

45 IBIA 131 (08/01/2007)



United States Department of the Interior

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

DON HORN,)	Order Dismissing Appeal
Appellant,)	
)	
v.)	
)	Docket No. IBIA 06-110-A
ROCKY MOUNTAIN REGIONAL)	
DIRECTOR, BUREAU OF)	
INDIAN AFFAIRS,)	
Appellee.)	August 1, 2007

Appellant Don Horn appealed to the Board of Indian Appeals (Board) from a November 9, 2005, decision of the Rocky Mountain Regional Director, Bureau of Indian Affairs (Regional Director). The Regional Director affirmed the Fort Belknap Agency Superintendent's decision to cancel Lease No. 1445-02-06 for non-payment of rent. Appellant is the lessee. The lease covered various allotments located in Township 31 North, Range 24 East, on the Fort Belknap Reservation. It had a five-year term, beginning on January 1, 2002, and expiring on December 31, 2006.

On appeal, Appellant sought to have the Regional Director's decision reversed and the lease reinstated. On June 11, 2007, because it appeared that the lease had expired by its own terms, the Board ordered Appellant to show cause, on or before July 6, 2007, why this appeal should not be dismissed as moot. *Cf. Pueblo of Tesuque v. Acting Southwest Regional Director*, 40 IBIA 273, 274 (2005) (case becomes moot when nothing turns on the outcome). The Board advised Appellant that failure to respond to the show cause order may result in dismissal of the appeal without further notice.

The Board has received no response from Appellant.¹

¹ The Board mailed the show cause order by certified mail and by regular mail. The copy sent by certified mail was returned after being unclaimed, but the copy sent by regular mail was not returned and therefore presumably was delivered.

Based on the expiration of Lease No. 1445-02-06, as evidenced by its terms, and based on Appellant's failure to respond to the Board's show cause order, the Board finds that this appeal is moot.

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.

I concur:

 // original signed
Steven K. Linscheid
Chief Administrative Judge

 // original signed
Debora G. Luther
Administrative Judge