



INTERIOR BOARD OF INDIAN APPEALS

Harold D. Miller v. Acting Great Plains Regional Director, Bureau of Indian Affairs

48 IBIA 247 (02/05/2009)



# 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

|                              |   |                                       |
|------------------------------|---|---------------------------------------|
| HAROLD D. MILLER,            | ) | Order Docketing and Dismissing Appeal |
| Appellant,                   | ) |                                       |
|                              | ) |                                       |
| v.                           | ) |                                       |
|                              | ) | Docket No. IBIA 09-24-A               |
| ACTING GREAT PLAINS REGIONAL | ) |                                       |
| DIRECTOR, BUREAU OF          | ) |                                       |
| INDIAN AFFAIRS,              | ) |                                       |
| Appellee.                    | ) | February 5, 2009                      |

On November 24, 2008, the Board of Indian Appeals (Board) received a notice of appeal from Harold D. Miller (Appellant), pro se. Appellant sought review of an August 6, 2008, decision of the Acting Great Plains Regional Director, Bureau of Indian Affairs, which adjusted the grazing rental rate to \$26.40 an Animal Unit Month (AUM) for the 2009 grazing season on the Crow Creek Reservation, pursuant to 25 C.F.R. § 166.408. Because Appellant has failed to respond to an order to serve interested parties, the Board docketed this appeal, but dismisses it for failure to prosecute.

Appellant filed his notice of appeal without certifying or otherwise indicating that he had served a copy of his notice of appeal on the Regional Director, the Assistant Secretary - Indian Affairs, and the Crow Creek Sioux Tribe, as required by 43 C.F.R. §§ 4.310(b) and 4.332(a).

On December 8, 2008, the Board the Board ordered Appellant to complete these service requirements on or before December 29, 2008, and by that same date to file a statement with the Board that he had done so. The Board advised Appellant: *"If Appellant fails to comply with this order, this appeal may be dismissed without further notice."* Pre-Docketing Notice and Order for Appellant to Serve Interested Parties, at 2, Dec. 8, 2008.

The Board has received no response from Appellant.

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

I concur:

\_\_\_\_\_  
// original signed  
Steven K. Linscheid  
Chief Administrative Judge

\_\_\_\_\_  
// original signed  
Debora G. Luther  
Administrative Judge