



INTERIOR BOARD OF INDIAN APPEALS

Estate of Cameron Ronald Red Star

49 IBIA 271 (06/17/2009)



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

ESTATE OF CAMERON RONALD)	Order Docketing and Dismissing Appeal
RED STAR)	
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)	
)	Docket No. IBIA 09-055
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)	
)	
)	June 17, 2009

Shirley Red Star-Marshall and Karen Red Star (Appellants) appealed to the Board of Indian Appeals (Board) from a February 5, 2009, Order Denying Rehearing, entered by Indian Probate Judge (IPJ) M.J. Stancampiano, in the estate of their brother, Cameron Ronald Red Star (Decedent), deceased Oglala Sioux Indian, Probate No. P-000030806-IP. The IPJ's order let stand a May 7, 2008, Order Determining Heirs and Decree of Distribution, which distributed Decedent's estate to his siblings (and by representation to the sons of two pre-deceased brothers), treating full siblings and half siblings equally and without regard to the marital status of their parents. Both the original order and the order denying rehearing concluded that the applicable South Dakota laws of intestacy did not distinguish between Decedent's half and full siblings for purposes of heirship.

Appellants filed their appeal without certifying or otherwise indicating that they had served their notice of appeal on the IPJ and all interested parties. *See* 43 C.F.R. §§ 4.310(b) and 4.323, *as amended*, 73 Fed. Reg. 67,256, 67,288 (Nov. 13, 2008). Therefore the Board ordered Appellants to complete that service requirement, on or before May 1, 2009. The Board also ordered Appellants, by that same date, to show cause why the IPJ's order should not be summarily affirmed.¹ The Board advised Appellants that

¹ In their notice of appeal, Appellants, who apparently are full siblings of Decedent, did not contend that the IPJ incorrectly construed applicable law, but asserted that their father (Dave Red Star) did not marry the mother of their half-siblings, and also asserted that their father had stated during his lifetime that his children and only his children would inherit his land, by which Appellants apparently mean that only Red Star children would inherit the land.

failure to comply with the order to serve interested parties, or failure to respond to the show cause order, could result in summary dismissal of their appeal without further notice.

The Board has received no response from Appellants.

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

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Debora G. Luther
Administrative Judge