



INTERIOR BOARD OF INDIAN APPEALS

Estate of Grace Alice Gunderson, a.k.a. Grace Melinda Sheppard,
a.k.a. Grace Allen Sheppard, a.k.a. Grace Shepperd

51 IBIA 232 (04/09/2010)



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 GRACE ALICE)	Order Dismissing Appeal
GUNDERSON,)	
a.k.a. Grace Melinda Sheppard,)	Docket No. IBIA 10-003
a.k.a. Grace Allen Sheppard,)	
a.k.a. Grace Shepperd)	April 9, 2010

Henry Gunderson (Appellant) appealed to the Board of Indian Appeals (Board) from an Order Denying Rehearing entered on September 10, 2009, by Indian Probate Judge (IPJ) Cynthia Metivier in the estate of his mother, Grace Alice Gunderson, a.k.a. Grace Melinda Sheppard, a.k.a. Grace Allen Sheppard, a.k.a. Grace Shepperd (Decedent), deceased White Earth Indian, Probate No. P000040766IP. Appellant alleged that he had been denied access to the probate record.¹ The Board ordered BIA and the IPJ to provide Appellant with such access, which they did, and the Board also ordered Appellant to inform the Board whether he wished to pursue his appeal, and if so, on what grounds. Appellant did not respond. Subsequently, the Board ordered Appellant to show cause, on or before March 15, 2010, why the appeal should not be dismissed for failure to prosecute. The Board advised Appellant that if he failed to respond, the Board might summarily dismiss the appeal without further notice. The Board has received no response from Appellant.

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.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Debora G. Luther
Administrative Judge

¹ Appellant did not allege substantive error in the IPJ's initial June 23, 2009, Decision, which approved Decedent's will naming Appellant as Decedent's sole devisee. Instead, Appellant suggested that he had been unable to review evidence relating to the estate inventory. Cf. 43 C.F.R. § 30.128 (inventory disputes that arise during probate are referred to the Bureau of Indian Affairs (BIA)).