



## INTERIOR BOARD OF INDIAN APPEALS

Estate of George Laverne Francis

51 IBIA 260 (05/14/2010)

Related Board case:

54 IBIA 149



# United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
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ESTATE OF GEORGE LAVERNE ) Order Docketing and Dismissing Appeal  
FRANCIS )  
) Docket No. IBIA 10-028  
)  
) May 14, 2010

Joseph P. Jackson (Appellant) appealed to the Board of Indian Appeals (Board) from an Order Reopening Case to Modify Probate Decision (Order Reopening Case), entered on November 24, 2009, by Administrative Law Judge Thomas F. Gordon (ALJ) in the estate of Appellant's father, George Laverne Francis (Decedent), deceased Saginaw Chippewa (Isabella) Indian, Probate No. P000030949IP. The Order Reopening Case granted a petition to reopen submitted by the Superintendent, Michigan Agency, Bureau of Indian Affairs, and modified a September 23, 2009, Order Determining Heirs and Decree of Distribution to add two additional heirs, Reba Janeen Navejar and Nina Marie Francis, and to adjust the fractional shares of Decedent's estate inherited by Decedent's heirs.<sup>1</sup> 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 all interested parties, as required by 43 C.F.R. § 4.310(b). On December 23, 2009, the Board ordered Appellant to complete these service requirements on or before January 8, 2010, and by that same date to file a statement with the Board that he had done so. The Board advised Appellant that if he did not comply with the order, his "appeal may be dismissed without further notice." Pre-Docketing Notice and Order Concerning Service, Dec. 23, 2009, at 2 (emphasis omitted).

The Board has received no response from Appellant.

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<sup>1</sup> On December 22, 2009, Appellant's sister, Bobbie Jo Jackson-Valtierra, also appealed to the Board from the Order Reopening Case. *Estate of George Laverne Francis*, Docket No. IBIA 10-051. Jackson-Valtierra's appeal remains pending, and nothing in the Board's decision today affects her appeal.

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.<sup>2</sup>

I concur:

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// original signed  
Debra G. Luther  
Administrative Judge

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// original signed  
Steven K. Linscheid  
Chief Administrative Judge

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<sup>2</sup> Our dismissal of Appellant's appeal does not affect Appellant's right to participate as an interested party (but not as an appellant) in Jackson-Valtierra's appeal.