



INTERIOR BOARD OF INDIAN APPEALS

Estate of Robert Ray Limpy

52 IBIA 55 (08/19/2010)

Related Board case:
50 IBIA 1



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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ARLINGTON, VA 22203

ESTATE OF ROBERT RAY LIMPY) Order Docketing and Dismissing
) Appeal
)
) Docket No. IBIA 10-099
)
) August 19, 2010

Peter James Brush (Appellant) appealed to the Board of Indian Appeals (Board) from an Order Denying Petition to Reopen (Order Denying Reopening) entered on April 30, 2010, by Administrative Law Judge (ALJ) Richard L. Reeh in the estate of Appellant’s uncle, Robert Ray Limpy (Decedent), deceased Cheyenne and Arapaho Indian, Probate No. P000066296IP. The Order Denying Reopening was issued in response to a request from Appellant, as a co-owner of certain property in Decedent’s estate, to purchase Decedent’s interests in that property.¹ On receiving the appeal, the Board ordered Appellant, on or before July 16, 2010, to serve interested parties with his notice of appeal and also to show cause why the ALJ’s order should not be summarily affirmed.² The Board’s order advised Appellant that if he failed to respond, the appeal might be summarily dismissed without further notice.

The Board has received no response from Appellant.

¹ The ALJ’s order denied reopening of a Order Determining Heirs, Decreeing Distribution and Denying Request for De Novo Review (Order Determining Heirs), dated August 20, 2009. The August 20 order followed the Board’s remand in *Estate of Robert Ray Limpy*, 50 IBIA 1 (2009), which dismissed an earlier appeal by Appellant as premature. In that appeal, Appellant contended that he was entitled to inherit from Decedent.

² Section 30.164 of 43 C.F.R. provides that a “[a]ny eligible purchaser must submit a written request to [the Office of Hearings and Appeals] to purchase at probate before the decision or order is issued.” Appellant filed his request after the Order Determining Heirs had become final.

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 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