



## INTERIOR BOARD OF INDIAN APPEALS

Kawaiisu Tribe of Tejon and David Laughing Horse Robinson v.  
Assistant Secretary - Indian Affairs

54 IBIA 261 (02/14/2012)



## 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

KAWAIIISU TRIBE OF TEJON AND	)	Order Docketing and Dismissing
DAVID LAUGHING HORSE	)	Appeal
ROBINSON,	)	
Appellants,	)	
	)	
v.	)	
	)	Docket No. IBIA 12-070
ASSISTANT SECRETARY - INDIAN	)	
AFFAIRS,	)	
Appellee.	)	February 14, 2012

On February 3, 2012, the Board of Indian Appeals (Board) received a notice of appeal from the Kawaiisu Tribe of Tejon and its Chairman David Laughing Horse Robinson (collectively, Appellants). Appellants seek review of a January 6, 2012, decision (Decision) of the Assistant Secretary - Indian Affairs (Assistant Secretary), which affirmed the Federal relationship between the United States and the Tejon Indian Tribe.<sup>1</sup> We docket this appeal, but dismiss it for lack of jurisdiction.

The Board's jurisdiction is limited to the authority vested in it by regulation or otherwise delegated to it by the Secretary of the Interior. *See* 43 C.F.R. § 4.1(b)(1); *State of California v. National Indian Gaming Commission*, 44 IBIA 22, 22 (2006). With exceptions not relevant here, the Board lacks jurisdiction to review administrative action by the Assistant Secretary. *See* 25 C.F.R. § 2.4(e); *Kozlowski & Gardner Advocates, Inc. v. Superintendent, Uintah and Ouray Agency, and Deputy Assistant Secretary for Policy and Economic Development - Indian Affairs*, 50 IBIA 201, 202 (2009); *Pendleton v. Assistant*

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<sup>1</sup> The Decision stated that the Tejon Indian Tribe will now be included on the list of Indian Entities Recognized and Eligible to Receive Services From the United States Bureau of Indian Affairs. *See* 75 Fed. Reg. 60,810 (Oct. 1, 2010), *supplemented*, 75 Fed. Reg. 66,124 (Oct. 27, 2010).

Appellants request that the Assistant Secretary's Decision be reversed, or that in the alternative, the Kawaiisu Tribe of Tejon be included as part of the Tejon Indian Tribe or also recognized as a tribe.

*Secretary - Indian Affairs*, 45 IBIA 133, 133 (2007).<sup>2</sup> Accordingly, the Board lacks jurisdiction to review this appeal.

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 but dismisses this appeal.

I concur:

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// original signed  
Steven K. Linscheid  
Chief Administrative Judge

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

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<sup>2</sup> The Board does have limited jurisdiction to review final determinations made by the Assistant Secretary on petitions for federal acknowledgment. *See* 25 C.F.R. § 83.11. That provision does not apply here because the Assistant Secretary's Decision was not made pursuant to 25 C.F.R. Part 83.