



INTERIOR BOARD OF INDIAN APPEALS

Hilda Smoke, et al. v. Acting Eastern Area Director, Bureau of Indian Affairs

31 IBIA 99 (07/31/1997)

Reconsideration denied:

31 IBIA 121

Judicial review of this case:

Plaintiffs' Motion for Summary Judgment Granted, *Ransom v. Babbitt*,
69 F. Supp. 2d 141 (D.D.C. 1999)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

HILDA SMOKE et al.,
Appellants

v.

EASTERN AREA DIRECTOR,
BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Dismissing Appeal as Moot
:
:
:
: Docket No. IBIA 97-126-A
:
:
: July 31, 1997

This is an appeal from a May 2, 1997, decision of the Eastern Area Director, Bureau of Indian Affairs, concerning a November 30, 1996, referendum held by the St. Regis Mohawk Tribe. Appellants are Hilda Smoke, Alma Ransom, Paul Thompson, John Bigtree, Jr., Bryan Garrow, Barbara Lazore, and Carol Herne.

On June 16, 1997, prior to submitting the administrative record, the Area Director advised the Board that the Tribe had conducted an election on June 7, 1997, as a result of which he believed this appeal was now moot. Appellants contended, however, that the appeal was not moot. The Board therefore renewed its request for the administrative record.

Appellants have now made another filing with the Board, this time stating that the dispute concerning the November 30, 1996, referendum has been settled. Given that Appellants now consider the matter at issue in this appeal settled, and the Area Director considers it moot, there is clearly no need for the Board to retain jurisdiction over the 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, this appeal is dismissed as moot.

//original signed
Anita Vogt
Administrative Judge

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Kathryn A. Lynn
Chief Administrative Judge