



INTERIOR BOARD OF INDIAN APPEALS

Chemehuevi Indian Tribe v. Western Regional Director, Bureau of Indian Affairs

35 IBIA 223 (11/01/2000)



# United States Department of the Interior

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

CHEMEHUEVI INDIAN TRIBE, : Order Dismissing Appeal as Moot  
Appellant :  
 :  
v. :  
 :  
 : Docket No. IBIA 00-112-A  
WESTERN REGIONAL DIRECTOR, :  
BUREAU OF INDIAN AFFAIRS, :  
Appellee : November 1, 2000

The Chemehuevi Indian Tribe (Tribe) filed an appeal under 25 C.F.R. § 2.8, seeking review of the failure of the Western Regional Director, Bureau of Indian Affairs (Regional Director; BIA) to approve or disapprove the Tribe's Use of Net Gaming Revenue Ordinance (ordinance). The Regional Director has moved to dismiss this appeal on two grounds. The Board gave the Tribe an opportunity to respond to the motion to dismiss.

As one of his grounds for dismissal, the Regional Director asserts that this appeal is moot because he issued a decision concerning the ordinance on August 21, 2000, and the Acting Deputy Commissioner of Indian Affairs concurred with that decision on September 15, 2000.

On October 30, 2000, the date set for the Tribe's response to the motion to dismiss, the Board received an appeal from the Tribe concerning the August 21/September 15, 2000, decision. Counsel for the Tribe has informed the Board that he does not intend to file a further response to the motion to dismiss this appeal.

As it has previously, the Board finds that this appeal under 25 C.F.R. § 2.8 is moot and should be dismissed. *See, e.g., Grellner v. Anadarko Area Director*, 34 IBIA 144 (1999). The Tribe can make its arguments on the merits of this dispute in its new 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 docketed, but dismissed as moot. Because of this disposition, the Board finds it unnecessary to address the Regional Director's second ground for dismissal.

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Kathryn A. Lynn  
Chief Administrative Judge

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Anita Vogt  
Administrative Judge