



INTERIOR BOARD OF INDIAN APPEALS

Gwendolyn R. (Denver) Marquez v. Bureau of Indian Affairs

37 IBIA 99 (01/08/2002)



## United States Department of the Interior

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

GWENDOLYN R. (DENVER) MARQUEZ, : Order Docketing and Dismissing  
Appellant : Appeal  
: :  
v. : :  
: Docket No. IBIA 02-38-A  
BUREAU OF INDIAN AFFAIRS, : :  
Appellee : :  
: January 8, 2002

On January 4, 2002, the Board of Indian Appeals received an apparent notice of appeal from Gwendolyn R. (Denver) Marquez (Appellant), who states that she is writing concerning inaction under 25 C.F.R. Part 2. For purposes of this order, the Board interprets Appellant's filing as a notice of appeal under 25 C.F.R. § 2.8, "Appeal from inaction of official." However, for the reasons discussed below, the Board finds that it lacks jurisdiction in this matter.

Appellant's notice of appeal concerns her efforts to enroll in the Bishop Paiute Tribe. <sup>1/</sup> It appears that her principal complaint is against the Tribe. The Board lacks jurisdiction to review actions taken by Indian tribes. E.g., Hilliard v. Portland Area Director, 34 IBIA 272, 274 (2000).

To the extent Appellant's appeal concerns actions or the inaction of Bureau of Indian Affairs officials, the Board lacks jurisdiction here because the appeal involves a tribal enrollment matter. See 43 C.F.R. § 4.330(b): "Except as otherwise permitted by the Secretary or the Assistant Secretary - Indian Affairs by special delegation or request, the Board shall not adjudicate: (1) Tribal enrollment disputes."

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<sup>1/</sup> This is presumably the entity identified in the Bureau of Indian Affairs' list of Federally recognized tribes as the Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony, California. 65 Fed. Reg. 13298, 13300 (Mar. 13, 2000).

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 is dismissed for lack of jurisdiction. 2/

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//original signed

Anita Vogt  
Administrative Judge

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//original signed

Kathryn A. Lynn  
Chief Administrative Judge

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2/ Appellant is advised to pursue this matter with the Tribe and, in particular, to inquire about the Tribe's procedures for handling enrollment appeals.