



INTERIOR BOARD OF INDIAN APPEALS

Paiute Indian Tribe of Utah v. Western Regional Director, Bureau of Indian Affairs

38 IBIA 40 (08/05/2002)



# 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

PAIUTE INDIAN TRIBE OF UTAH,	:	Order Docketing and Dismissing
Appellant	:	Appeal
	:	
v.	:	
	:	Docket No. IBIA 02-125-A
WESTERN REGIONAL DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	August 5, 2002

This is an appeal under 25 C.F.R. § 2.8, "Appeal from inaction of official," in which the Paiute Indian Tribe of Utah (Tribe) alleges that the Western Regional Director, Bureau of Indian Affairs (Regional Director; BIA), has failed to take action on its request to correct the BIA's land title records to show that a 23.3-acre parcel of land is held in trust for the Kanosh Band of Paiute Indians, one of the Tribe's constituent bands.

Upon receipt of the Tribe's notice of appeal, the Board ordered the Regional Director to advise the Board of the status of his consideration of the Tribe's request. In a response that the Board received on August 2, 2002, the Regional Director provided a detailed history of the parcel of land at issue. The Regional Director stated that he had requested the Southern Paiute Field Office to search its records for documents which were not found in the Regional Office files, and that upon the completion of that research, he would seek an opinion from the Office of the Solicitor as to the proper legal authority for this trust acquisition.

Under these circumstances, the Board concludes that the Regional Director is working on this trust acquisition and should be permitted to complete his research and analysis. See Paiute Indian Tribe of Utah v. Western Regional Director, 38 IBIA 15 (2002); Big Valley Band of Pomo Indians v. Pacific Regional Director, 36 IBIA 48 (2001).

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 and dismissed without prejudice.

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//original signed  
Kathryn A. Lynn  
Chief Administrative Judge

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//original signed  
Anita Vogt  
Administrative Judge