



INTERIOR BOARD OF INDIAN APPEALS

Estate of William Mitchell Running Crane

39 IBIA 17 (03/05/2003)

Related Board case:  
38 IBIA 272



# United States Department of the Interior

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

ESTATE OF WILLIAM MITCHELL : Order Docketing and Dismissing  
RUNNING CRANE : Appeal  
:   
: Docket No. IBIA 03-41  
:   
: March 5, 2003

The Board of Indian Appeals (Board) received, by transmittal from Administrative Law Judge Robert G. Holt, a document which appeared to have been intended as a notice of appeal from Judge Holt's November 1, 2002, order denying rehearing in the Estate of Mitchell Running Crane, IP RM-201-0024. The document was signed by Alta M. Bird.

In a January 14, 2003, order, the Board noted that it had not received a notice of appeal directly from Bird. It further noted that the document received from Judge Holt would be a timely notice of appeal. However, the Board observed that the document did not show that it had been served on interested parties. It gave Bird until February 7, 2003, to serve interested parties and to inform the Board that she had done so. It stated that failure to comply with the order would result in the dismissal of this appeal for failure to prosecute.

The Board has not received a certificate of service from Bird. On March 3, 2003, it received a letter from interested parties Yvonne Running Crane and Jess William Running Crane, who stated that they had not received a copy of Appellant's notice of appeal.

Under these circumstances, the Board finds that this appeal should be dismissed.

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 for failure to prosecute.

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//original signed  
Kathryn A. Lynn  
Chief Administrative Judge

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//original signed  
Kathleen R. Supernaw  
Acting Administrative Judge