



## INTERIOR BOARD OF INDIAN APPEALS

Jackson County, Kansas v. Acting Southern Plains Regional Director,  
Bureau of Indian Affairs

40 IBIA 105 (09/21/2004)



# 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

JACKSON COUNTY, KANSAS,	:	Order Docketing and
Appellant,	:	Dismissing Appeal
	:	
v.	:	
	:	
ACTING SOUTHERN PLAINS REGIONAL	:	Docket No. IBIA 04-143-A
DIRECTOR, BUREAU OF INDIAN	:	
AFFAIRS,	:	
Appellee.	:	September 21, 2004

Appellant Jackson County, Kansas (County) appealed a July 12, 2004, decision of the Acting Southern Plains Regional Director, Bureau of Indian Affairs (Regional Director), approving the acquisition by the United States, in trust for the Prairie Band of Potawatomi Nation, Kansas, of a tract of land described as the S2NE4 and NE4SE4, Section 18, Township 8 South, Range 14 East, 6th P.M., Jackson County, Kansas, also referred to as the "Daugherty 2001" tract.

In an August 23, 2004, pre-docketing notice, the Board noted two threshold issues concerning the appeal. First, it was unclear whether the appeal had been filed within thirty days after the County had received the Regional Director's decision — a jurisdictional requirement. See 43 C.F.R. § 4.332(a). Second, it did not appear that the County had served its notice of appeal on the Assistant Secretary - Indian Affairs, as required. See id. The Board ordered the County, on or before September 8, 2004, to certify the date on which it had received the Regional Director's decision, and to serve its notice of appeal on the Assistant Secretary. The Board advised the County that failure to comply with the order could result in summary dismissal of its appeal.

The Board has received no response from the County.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Board docketed this appeal, but dismisses it for failure to prosecute.

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// original signed  
Steven K. Linscheid  
Chief Administrative Judge

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// original signed  
Colette J. Winston  
Administrative Judge