



INTERIOR BOARD OF INDIAN APPEALS

William C. Tuttle and Rio Valley Estates v. Western Regional Director,
Bureau of Indian Affairs

41 IBIA 74 (05/23/2005)

Related Board cases:

36 IBIA 254

Reconsideration denied, 36 IBIA 291

46 IBIA 216



United States Department of the Interior

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INTERIOR BOARD OF INDIAN APPEALS
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WILLIAM C. TUTTLE and RIO VALLEY	:	Order Docketing and Dismissing
ESTATES,	:	Appeal
Appellants,	:	
	:	
v.	:	Docket No. IBIA 05-62-A
	:	
WESTERN REGIONAL DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee.	:	May 23, 2005

William C. Tuttle and Rio Valley Estates (Appellants) appealed from the failure of the Western Regional Director, Bureau of Indian Affairs (Regional Director; BIA) to respond to their September 30, 2004, Notice of Request for Action, submitted to him pursuant to 25 C.F.R. § 2.8. In their request, Appellants asked the Regional Director to address a variety of issues concerning Business Lease Number B-509-CR, between the Colorado River Indian Tribes, as lessor, and William C. Tuttle and Robert E. Tuttle, as lessees.

On May 18, 2005, following a request from the Board of Indian Appeals (Board) for a status report on this matter, the Regional Director issued a response to Appellants' September 30, 2004, request for action, which advised interested parties of their right to appeal that response.

Because the Regional Director has now responded to Appellants' request for action, this section 2.8 appeal from the Regional Director's inaction is moot. See Richards v. Acting Pacific Regional Director, 40 IBIA 277 (2005); Wopsock v. Western Regional Director, 40 IBIA 24 (2004). To the extent Appellants have, in this appeal, requested relief from the Board that addresses the merits of the underlying dispute and goes beyond requiring the Regional Director to respond to their request for action, their requested relief is outside the scope of the Board's jurisdiction over a 25 C.F.R. § 2.8 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, the Board docketed but dismisses this appeal.

I concur:

 // original signed
Steven K. Linscheid
Chief Administrative Judge

 // original signed
Anita Vogt
Senior Administrative Judge