



## INTERIOR BOARD OF INDIAN APPEALS

Russell C. Axtell, Sr. v. Alaska Regional Director, Bureau of Indian Affairs

44 IBIA 137 (02/26/2007)



# 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

RUSSELL C. AXTELL, SR.,	:	Order Docketing and Dismissing
Appellant,	:	Appeal
	:	
v.	:	
	:	Docket No. IBIA 07-52-A
ALASKA REGIONAL DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee.	:	February 26, 2007

Appellant Russell C. Axtell, Sr. appealed an October 26, 2006 decision of the Alaska Regional Director, Bureau of Indian Affairs (Regional Director). The Regional Director retroactively approved three deeds conveying interests in Lot 2, Block 9, USS 1570, Hydaburg Townsite, Alaska, to Raleigh and Helen Morrison. The deeds included a September 30, 1970 deed executed by James Edenso and Gladys Morrison (both deceased), a December 7, 1988 deed executed by Gladys Morrison, and a January 26, 1989 deed executed by Harold Frank (deceased). The Board of Indian Appeals (Board) docketed this appeal, but dismisses it for failure to prosecute.

Appellant filed his notice of appeal without certifying or otherwise indicating that he had served a copy of the notice of appeal on all interested parties known to him, as required by 43 C.F.R. § 4.333, and as advised in the Regional Director's decision. On December 6, 2006, the Board issued an order requiring Appellant, on or before January 5, 2007, to serve copies of his notice of appeal to the private individual parties listed on the distribution list attached to the order, and to submit a statement to the Board that he had done so. The Board advised Appellant that failure to respond to the order could result in dismissal of the appeal without further notice.

The Board has received no response from Appellant.

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.

I concur:

                  // original signed                    
Steven K. Linscheid  
Chief Administrative Judge

                  // original signed                    
Debora G. Luther  
Administrative Judge