



INTERIOR BOARD OF INDIAN APPEALS

Estate of Nellie Simmons Ramirez

45 IBIA 93 (06/26/2007)



## 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

ESTATE OF NELLIE SIMMONS ) Order Docketing and Dismissing Appeal  
RAMIREZ )  
) Docket No. IBIA 07-99  
)  
) June 26, 2007

Appellant Felix Capoeman has appealed from an Order Denying Petition for Rehearing entered on March 13, 2007, by Administrative Law Judge Steven R. Lynch (ALJ) in the estate of Nellie Simmons Ramirez, deceased Quinault Indian, Probate No. P000023985IP.<sup>1</sup> The order denied rehearing from an Order Approving Will and Decree of Distribution entered by the ALJ on October 11, 2006. The 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 the ALJ and on all interested parties, as required by 43 C.F.R. § 4.320(c) and as advised in the Order Denying Petition for Rehearing and the Notice attached to the Order Denying Petition for Rehearing. On May 8, 2007, the Board issued an order requiring Appellant, on or before May 30, 2007, to complete these service requirements and to file a statement with the Board that he had done so. The order 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.

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<sup>1</sup> On May 3, 2007, the Board of Indian Appeals (Board) received a letter from Appellant, in which Appellant stated, “[i]s it suffic[ient] for the moment to make [a] notice of appeal and submit my formal writ by July 30, 2007?” Appellant provided a probate number, No. P000023985IP, but did not identify the type of decision he was appealing or the case or decedent’s name. Through the probate number, the Board determined the case name and contacted the office of the ALJ assigned to the case to obtain the relevant decisions. In its May 8, 2007, pre-docketing notice, the Board stated that it was construing Appellant’s letter as a notice of appeal from the March 13, 2007, Order Denying Petition for Rehearing.

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:

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// original signed  
Debora G. Luther  
Administrative Judge

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// original signed  
Steven K. Linscheid  
Chief Administrative Judge