



INTERIOR BOARD OF INDIAN APPEALS

Estate of Wilda Ethel Ward

45 IBIA 129 (07/30/2007)

Reconsideration denied:

45 IBIA 195



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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ESTATE OF WILDA ETHEL WARD) Order Docketing and Dismissing Appeal
)
) Docket No. IBIA 07-108
)
) July 30, 2007

Appellant Timothy I. Davis has appealed to the Board of Indian Appeals (Board) from a May 23, 2007, Order Denying Petition for Rehearing issued by Administrative Law Judge Thomas F. Gordon (ALJ) in the estate of Wilda Ethel Ward, deceased Round Valley Indian, Probate No. P-00000-7852-IP.¹ The order denying rehearing let stand an April 10, 2007, Order Approving Will and Decree of Distribution issued by the ALJ. 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 all interested parties, as required by 43 C.F.R. § 4.320(c) and as advised in the Order Denying Petition for Rehearing and in the Notice attached to thereto. On June 11, 2007, the Board issued an order requiring Appellant, on or before June 29, 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.

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
Debora G. Luther
Administrative Judge

// original signed
Steven K. Linscheid
Chief Administrative Judge

¹ Appellant initially mailed a letter challenging the Order Denying Petition for Rehearing to the ALJ, who forwarded the letter to the Board.