



## INTERIOR BOARD OF INDIAN APPEALS

Alfred Redman, Sr. v. Rocky Mountain Regional Director, Bureau of Indian Affairs

46 IBIA 283 (03/07/2008)



## 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

ALFRED REDMAN, SR.,	)	Order Docketing and Dismissing Appeal
Appellant,	)	
	)	
v.	)	
	)	Docket No. IBIA 08-36-A
ROCKY MOUNTAIN REGIONAL	)	
DIRECTOR, BUREAU OF	)	
INDIAN AFFAIRS,	)	
Appellee.	)	March 7, 2008

Appellant Alfred Redman, Sr., appealed to the Board of Indian Appeals (Board) from a December 10, 2007, decision of the Rocky Mountain Regional Director, Bureau of Indian Affairs (Regional Director). The Regional Director affirmed a September 11, 2007, decision of the Wind River Agency Superintendent (Superintendent) to cancel Farm/Pasture Lease No. 4279 (Lease), covering Tribal Tract T-1246, for non-compliance with fencing requirements contained in the Lease. The Lease had a five-year term, beginning January 1, 2003, and ending on December 31, 2007. The Board docketed this appeal, but dismisses it for failure to prosecute and because it is moot.

Because it appeared that the Lease expired by its own terms on December 31, 2007, and therefore nothing turned on the outcome of the appeal, on January 15, 2008, the Board ordered Appellant, on or before February 6, 2008, to file a brief with the Board stating his position on whether or not this appeal is moot. *See Horn v. Rocky Mountain Regional Director*, 45 IBIA 131 (2007) (case becomes moot when nothing turns on the outcome of an appeal). The Board also noted that Appellant filed his notice of appeal without certifying or otherwise indicating that he had sent a copy of his notice of appeal to the Assistant Secretary - Indian Affairs (Assistant Secretary), as required by 43 C.F.R. § 4.333, and as advised in the Regional Director's decision. The Board ordered Appellant, on or before February 6, 2008, to send a copy of his notice of appeal to the Assistant Secretary and by that date file a statement with the Board that he had done so. The Board advised Appellant that failure to respond to the order may result in dismissal of his appeal without further notice.

The Board has received no response from Appellant.

Based on the expiration of the Lease, as evidenced by its terms, and based on Appellant's failure to respond to the Board's order to serve the Assistant Secretary and to submit a statement on possible mootness, the Board dismisses this appeal for failure to prosecute and because it is moot. *See Hollenbeck v. Acting Great Plains Regional Director*, 46 IBIA 45 (2007) (dismissing appeal for failure to prosecute where appellants failed to comply with Board's order to complete service); *Horn*, 45 IBIA at 132 (dismissing appeal as moot based on expiration of lease by its own terms and the appellant's failure to respond to Board's show cause order).

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 dismisses this appeal.

I concur:

          // original signed            
Steven K. Linscheid  
Chief Administrative Judge

          // original signed            
Debora G. Luther  
Administrative Judge