



INTERIOR BOARD OF INDIAN APPEALS

Anthony K. Blackmore, d/b/a Double Spear Ranch v. Acting Rocky Mountain
Regional Director, Bureau of Indian Affairs

49 IBIA 114 (04/23/2009)



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

ANTHONY K. BLACKMORE, d/b/a)	Order Docketing and Dismissing Appeal
DOUBLE SPEAR RANCH,)	
Appellant,)	
)	
v.)	Docket No. IBIA 09-046
)	
ACTING ROCKY MOUNTAIN)	
REGIONAL DIRECTOR, BUREAU)	
OF INDIAN AFFAIRS,)	
Appellee.)	April 23, 2009

On January 29, 2009, the Board of Indian Appeals (Board) received a notice of appeal from Anthony K. Blackmore, d/b/a Double Spear Ranch (Appellant). Appellant sought review of a December 29, 2008, decision of the Acting Rocky Mountain Regional Director (Regional Director), Bureau of Indian Affairs (BIA), in which the Regional Director affirmed the cancellation of Appellant's lease on Allotment No. 1867-A on the Crow Reservation. We now dismiss this appeal for lack of prosecution.

On February 4, 2009, the Board issued an order requiring Appellant, on or before March 13, 2009, to show cause why this appeal should not be dismissed for lack of jurisdiction. As we explained in that order, it appeared that both Lawrence Falls Down and Appellant were issued leases for the same allotment (No. 1867-A). The Superintendent, Crow Agency, BIA, apparently decided to recognize Appellant's lease and canceled Falls Down's lease, which prompted Falls Down to appeal to the Regional Director. In a September 11, 2008, decision (Decision) in Falls Down's appeal, the Regional Director overturned the Superintendent's decision and instructed the Superintendent "to cancel [Appellant's] lease and reinstate [Falls Down's] lease." Decision at 1. The Decision contained accurate appeal instructions to the Board, and a copy of the Decision was sent to Appellant. The Decision stated, "[i]f no appeal is timely filed, this decision will become final for the Department of the Interior at the expiration of the [30-day] appeal period." *Id.* at 3. No appeal was filed from this Decision, for which reason it became final in October 2008. Thereafter, the Superintendent implemented the Regional Director's directive and canceled Appellant's lease and reinstated Falls Down's lease. Appellant appealed the Superintendent's cancellation of his lease to the Regional Director, who affirmed the

cancellation in his decision of December 29, 2008. It is this latter decision from which Appellant now appeals to the Board. Inasmuch as it appeared that the Superintendent was carrying out the Regional Director's September 11 Decision in canceling Appellant's lease and did not issue a new decision, the Board ordered Appellant to show cause why his appeal should not be dismissed for lack of jurisdiction.

The Board has not received a response to its February 4 order.

Thus, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal from the Regional Director's December 29, 2008, decision is dismissed for lack of prosecution.

I concur:

 // original signed
Debora G. Luther
Administrative Judge

 // original signed
Steven K. Linscheid
Chief Administrative Judge