



INTERIOR BOARD OF INDIAN APPEALS

City of Tecumseh, Oklahoma v. Acting Southern Plains Regional Director,
Bureau of Indian Affairs

51 IBIA 55 (12/31/2009)



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

CITY OF TECUMSEH, OKLAHOMA,)	Order Docketing and Dismissing Appeal
Appellant,)	
)	
v.)	
)	Docket No. IBIA 10-017
ACTING SOUTHERN PLAINS)	
REGIONAL DIRECTOR, BUREAU)	
OF INDIAN AFFAIRS,)	
Appellee.)	December 31, 2009

The City of Tecumseh, Oklahoma (the City), appealed to the Board of Indian Appeals (Board) from an October 9, 2009, decision of the Acting Southern Plains Regional Director, Bureau of Indian Affairs (Regional Director), to accept into trust a parcel of land consisting of 1.45 acres, more or less,¹ for the Citizen Potawatomi Nation (Nation). The Board docketed this appeal, but dismisses it for failure to prosecute.

The City filed its notice of appeal without certifying or otherwise indicating that it had served a copy of the notice of appeal on the Regional Director or the Nation, as required by 43 C.F.R. § 4.333 and by the Regional Director’s decision. On November 12, 2009, the Board ordered the City to complete these service requirements on or before November 30, 2009, and by that same date to file a statement with the Board that it had done so. The Board advised the City: “If the City fails to comply with this order, the appeal may be dismissed without further notice.” Pre-Docketing Notice and Order Concerning Service, Nov. 12, 2009, at 2.

The Board has received no response from the City.

¹ The parcel is located in the SE¼, Section 13, Township 9 North, Range 3 East, Indian Meridian, Pottawatomie County, Oklahoma, described as beginning at a point S00°00'11"E 525.84 feet from the SE corner of Block 85 in the original townsite of City of Tecumseh, Pottawatomie County, Oklahoma, according to the recorded plat thereof; thence S00°00'11"E 209.70 feet; thence S89°57'32"W 299.79 feet; thence N00°00'11"W 210.20 feet; thence N89°57'32"E 299.92 feet to the point of beginning.

Therefore, pursuant to the authority delegated to the Board 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
Debra G. Luther
Administrative Judge

// original signed
Steven K. Linscheid
Chief Administrative Judge