



INTERIOR BOARD OF INDIAN APPEALS

Estate of Neiko J. Nephi

51 IBIA 97 (01/22/2010)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
801 NORTH QUINCY STREET
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ARLINGTON, VA 22203

ESTATE OF NEIKO J. NEPHI) Order Dismissing Appeal
)
) Docket No. IBIA 10-006
)
) January 22, 2010

Franklynn Taveapont, Jr. (Appellant), appealed to the Board of Indian Appeals (Board) from an Order Denying Reopening and Dissolving Order to Suspend Distribution and Income, entered on September 22, 2009, by Administrative Law Judge Earl J. Waits in the estate of Appellant’s cousin, Neiko J. Nephi (Decedent), deceased Ute Indian, Probate No. P000043210IP.

The Board ordered Appellant to serve interested parties with copies of his notice of appeal, as required by 43 C.F.R. §§ 4.310(b) and 4.323, *as amended*, 73 Fed. Reg. 67,256, 67,288 (Nov. 13, 2008), and also ordered Appellant to provide the Board with certain information. The Board advised Appellant that if he failed to comply with or respond to the Board’s order, his appeal may be dismissed without further notice. The deadline for Appellant’s response was December 21, 2009. 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 and dismisses it for failure to prosecute.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Debora G. Luther
Administrative Judge