



## INTERIOR BOARD OF INDIAN APPEALS

John M. Dilliner v. Acting Eastern Oklahoma Regional Director, Bureau of Indian Affairs

51 IBIA 237 (04/20/2010)



# 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

JOHN M. DILLINER,	)	Order Docketing and Dismissing Appeal
Appellant,	)	
	)	
v.	)	
	)	Docket No. IBIA 10-063
ACTING EASTERN OKLAHOMA	)	
REGIONAL DIRECTOR, BUREAU	)	
OF INDIAN AFFAIRS,	)	
Appellee.	)	April 20, 2010

John M. Dilliner (Appellant) appeals to the Board of Indian Appeals (Board) from a January 12, 2010, decision of the Acting Eastern Oklahoma Regional Director (Regional Director), Bureau of Indian Affairs (BIA). The Regional Director affirmed a decision of the Superintendent of BIA's Miami Agency to impose back rent on Appellant for his use of the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 16, Township 26 North, Range 24 East, Ottawa County, Oklahoma, of which he is part owner. The Board docketed this appeal, but dismisses it for failure to prosecute.

Appellant filed his notice of appeal with the Board without certifying or otherwise indicating that he had served a copy of the notice of appeal on the co-owners of the property, the Regional Director, or the Assistant Secretary – Indian Affairs, as required by 43 C.F.R. § 4.333 and by the Regional Director's decision. On March 5, 2010, the Board ordered Appellant to complete these service requirements on or before March 19, 2010, and by that same date to file a statement with the Board that he had done so. The Board advised Appellant: "*If Appellant fails to comply with this order, his appeal may be dismissed without further notice.*" Pre-Docketing Notice and Order Concerning Service, Mar. 5, 2009, at 2. The Board has received no response from Appellant.

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:

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// original signed  
Debora G. Luther  
Administrative Judge

\_\_\_\_\_  
// original signed  
Steven K. Linscheid  
Chief Administrative Judge