



INTERIOR BOARD OF INDIAN APPEALS

Gene Cadotte, Sr. v. Acting Great Plains Regional Director, Bureau of Indian Affairs

51 IBIA 246 (04/29/2010)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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GENE CADOTTE, SR.,)	Order Dismissing Appeal
Appellant,)	
)	
v.)	
)	Docket No. IBIA 08-99-A
ACTING GREAT PLAINS REGIONAL)	
DIRECTOR, BUREAU OF)	
INDIAN AFFAIRS,)	
Appellee.)	April 29, 2010

Gene Cadotte, Sr. (Appellant), appealed a May 2, 2008, decision of the Acting Great Plains Regional Director (Regional Director), Bureau of Indian Affairs (BIA), which upheld a decision by the Standing Rock Superintendent, BIA, to cancel Appellant's grazing permit for Range Unit (RU) 457 on the Standing Rock Reservation because Appellant had failed to timely submit payment for his grazing fees for the 2008 grazing season. After receiving the appeal, the Board ordered Appellant to resubmit his grazing fees, *see* Pre-Docketing Notice, June 4, 2008, at 2, which apparently he eventually did. BIA's permit cancellation decision has remained ineffective while this appeal has been pending. *See* 25 C.F.R. § 166.707.

The Board's review of the case file for this appeal indicated that the permit at issue was for a 5-year period, ending on October 31, 2009. Since it appeared that the permit had, by its own terms, expired, the Board issued an order on March 18, 2010, directing Appellant to show cause why the appeal should not be dismissed as moot. We advised Appellant that if he failed to respond to the order on or before March 31, 2010, his appeal could be summarily dismissed without further notice.

Appellant has not responded to our March 18, 2010, 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 the appeal as moot.

I concur:

// original signed
Sara B. Greenberg
Administrative Judge*

// original signed
Steven K. Linscheid
Chief Administrative Judge

*Interior Board of Land Appeals, sitting by designation.