



## INTERIOR BOARD OF INDIAN APPEALS

Thomas Mullins and Cynthia Mullins v. Northwest Regional Director,  
Bureau of Indian Affairs

52 IBIA 231 (11/05/2010)



## United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
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THOMAS MULLINS AND	)	Order Docketing and
CYNTHIA MULLINS,	)	Dismissing Appeal
Appellants,	)	
	)	
v.	)	
	)	Docket No. IBIA 11-027
NORTHWEST REGIONAL	)	
DIRECTOR, BUREAU OF	)	
INDIAN AFFAIRS,	)	
Appellee.	)	November 5, 2010

Thomas Mullins and Cynthia Mullins (Appellants) appealed to the Board of Indian Appeals (Board) pursuant to 25 C.F.R. § 2.8 (appeal from inaction of official), seeking review of the alleged failure of the Northwest Regional Director (Regional Director), Bureau of Indian Affairs (BIA), to respond to Appellants' August 25, 2010, request for action or decision. The subject of Appellants' request to the Regional Director is documentation pertaining to a right-of-way easement for road and utility purposes over Allotment Nos. 235, 233, and 245-C on the Flathead Reservation.

On September 29, 2010, the Regional Director issued a response to Appellants' request for action, and Appellants have now separately appealed to the Board from the Regional Director's response. Because the Regional Director has now responded to Appellants' request for action, this section 2.8 appeal is moot. *See Tuttle v. Western Regional Director*, 41 IBIA 74 (2005) (Regional Director's response to appellants' request for action rendered § 2.8 appeal moot); *El Paso Field Services Co. v. Navajo Regional Director*, 40 IBIA 165 (2004) (same); *Hall-Houston Oil Co. v. Western Regional Director*, 40 IBIA 33 (2004) (same).<sup>1</sup>

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<sup>1</sup> On October 5, 2010, after receiving Appellants' § 2.8 appeal, the Board (unaware that the Regional Director had acted in response to Appellants' request), ordered the Regional Director to provide a status report. The Board vacates its order for a status report.

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 but dismisses this appeal as moot.<sup>2</sup>

I concur:

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// original signed  
Steven K. Linscheid  
Chief Administrative Judge

\_\_\_\_\_  
// original signed  
Debora G. Luther  
Administrative Judge

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<sup>2</sup> Our dismissal of this § 2.8 appeal does not affect Appellants' appeal on the merits from the Regional Director's September 29, 2010, response.