



INTERIOR BOARD OF INDIAN APPEALS

Estate of Louise Two Bears

54 IBIA 232 (02/06/2012)



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 LOUISE TWO BEARS) Order Docketing and Dismissing Appeal
)
) Docket No. IBIA 12-016
)
) February 6, 2012

On September 29, 2011, Indian Probate Judge (IPJ) Albert C. Jones entered a Modification Order to Include Omitted Property (Modification Order) in the estate of Louise Two Bears (a.k.a. Louise Fearless Hawk Two Bears) (Decedent), deceased Standing Rock Sioux Indian, Probate No. P000092251IP.¹ Subsequently, Doreen C. Bagola (Appellant), Decedent's granddaughter, submitted to the IPJ a "Petition to Reopen" (Petition), which the IPJ's office transmitted to the Board as a possible appeal because it sought to have the Modification Order vacated.

Although the Petition asked to have the Modification Order vacated, the substance of the Petition appeared to be directed at certain findings in the original probate decision, rather than at the Modification Order itself. Therefore, upon receipt of the Petition, the Board ordered Appellant to clarify whether she wished to have her filing considered by the Board as an appeal, or if she wished to have it considered by the IPJ as a petition for reopening. *See* Pre-Docketing Notice, Order for Appellant to Clarify Petition or to Show Cause, and Order to Serve Interested Parties (OSC), Nov. 10, 2011, at 2-4.

The Board set a deadline of December 16, 2011, for Appellant to comply with the Board's order, and advised Appellant that if she failed to comply or to respond to the Board's order, her appeal might be dismissed without further notice.

The U.S. Postal Service's Track-and-Confirm service on its website indicates that Appellant received the Board's order on November 14, 2011.

¹ The Modification Order added property, consisting of trust or restricted property located on the Standing Rock Reservation in North Dakota, to the inventory of Decedent's estate, and distributed those interests in accordance with an earlier probate decision approving and giving effect to Decedent's will. *See* Order Amending Order Approving Will and Decree of Distribution, Sept. 20, 1974.

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 but dismisses this appeal for failure to prosecute.²

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Debora G. Luther
Administrative Judge

² In the OSC, the Board advised Appellant that if she responded by clarifying that she wished to have her petition considered by the IPJ under the reopening provisions of 43 C.F.R. § 30.243, the Board would refer her Petition to the Probate Hearings Division (PHD). Because Appellant failed to respond, we dismiss the appeal without referring the Petition to PHD.