



INTERIOR BOARD OF INDIAN APPEALS

Robert J. Geary v. Central California Agency Superintendent, Bureau of Indian Affairs

54 IBIA 234 (02/07/2012)



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

ROBERT J. GEARY,)	Order Docketing and Dismissing
Appellant,)	Appeal
)	
v.)	
)	
CENTRAL CALIFORNIA AGENCY)	Docket No. IBIA 12-047
SUPERINTENDENT, BUREAU)	
OF INDIAN AFFAIRS,)	
Appellee.)	February 7, 2012

On November 25, 2011, the Board of Indian Appeals (Board) received an appeal from Robert J. Geary (Appellant), seeking the Board’s assistance and intervention in a matter involving the Elem Indian Colony (Tribe). Appellant states that he is a tribal member and that the current Executive Committee of the Tribe is violating the Tribe’s Constitution and violating Appellant’s civil rights and the rights of other tribal members. Appellant enclosed with his appeal a November 13, 2011, letter that he wrote to the Central California Agency Superintendent (Superintendent) of the Bureau of Indian Affairs (BIA), asking BIA to investigate the matter. Appellant subsequently filed this appeal requesting assistance from the Board. It is not clear whether Appellant is seeking relief from the Board against the Superintendent, against tribal officials, or both, but in any case the Board lacks jurisdiction and therefore we must dismiss the appeal.

The Board’s jurisdiction is limited to the authority vested in it by regulation or otherwise delegated to it by the Secretary of the Interior. *See* 43 C.F.R. § 4.1(b)(1); *State of California v. National Indian Gaming Commission*, 44 IBIA 22, 22 (2006). With exceptions not relevant here, the Board lacks jurisdiction to review action or alleged inaction by a BIA superintendent. *See Marruffo v. Southern California Agency Superintendent*, 53 IBIA 276, 277 (2011); *Gardner v. Uintah and Ouray Agency Superintendent*, 51 IBIA 166, 167 (2010). In addition, to the extent that Appellant seeks, through this appeal, to have the Board review actions by tribal officials, the Board lacks authority to do so. *See Sandy Point Improvement Co. v. Northwest Regional Director*, 51 IBIA 277, 279 (2010).

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 lack of jurisdiction.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Debora G. Luther
Administrative Judge