



INTERIOR BOARD OF INDIAN APPEALS

Phillip Whiteman, Jr. v. Rocky Mountain Regional Director, Bureau of Indian Affairs

56 IBIA 34 (11/15/2012)



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

PHILLIP WHITEMAN, JR.,)	Order Dismissing Appeal
Appellant,)	
)	
v.)	
)	Docket No. IBIA 10-139
ROCKY MOUNTAIN REGIONAL)	
DIRECTOR, BUREAU OF INDIAN)	
AFFAIRS,)	
Appellee.)	November 15, 2012

Appellant Phillip Whiteman, Jr., appealed to the Board of Indian Appeals (Board) from an August 2, 2010, decision of the Rocky Mountain Regional Director (Regional Director), Bureau of Indian Affairs (BIA). The Regional Director declined to cancel Agricultural Lease No. 1003900711, on Northern Cheyenne Allotment No. 600 (Allotment).¹

The lease provided for a term that ended on December 31, 2011. On September 10, 2012, the Board issued an order for Appellant to show cause, on or before October 12, 2012, why this appeal should not be dismissed as moot, because it appeared that the lease, which Appellant sought to have cancelled by BIA, had expired by its own terms. *See Schmidt v. Bureau of Indian Affairs*, 54 IBIA 173, 177 (2011) (mootness occurs when nothing turns on the outcome of an appeal). The Board does not consider appeals that are moot. *Id.*

The Board has not received a response from Appellant.

¹ The lease was negotiated by the owner of a majority interest in the Allotment and approved by BIA in 2007. Appellant subsequently acquired an ownership interest, through his father's will, of his father's minority interest in the Allotment. Appellant did not file an opening brief and did not respond the Board's requests for briefing on certain issues, including whether he has standing to bring the appeal.

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 this appeal as moot.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

//original signed
Debora G. Luther
Administrative Judge