



INTERIOR BOARD OF INDIAN APPEALS

Estate of Juanita Marie Landis

57 IBIA 267 (08/14/2013)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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ESTATE OF JUANITA MARIE)
LANDIS) Order Docketing and Dismissing
) Appeal
)
) Docket No. IBIA 13-094
)
) August 14, 2013

Gilbert Duane Landis (Appellant) appealed to the Board of Indian Appeals (Board) from a Modification to Add and Distribute Omitted Property (Modification Order) entered on April 24, 2013, by Administrative Law Judge (ALJ) Thomas F. Gordon in the estate of his grandmother, Juanita Marie Landis (Decedent).¹ On receipt of the appeal, the Board ordered Appellant to complete service of his appeal on the interested parties, as required by 43 C.F.R. §§ 4.310(b) and 4.323, and to notify the Board that he had done so. *See* Order to Show Cause (OSC), June 13, 2013. In addition, because it appeared that Appellant's notice of appeal sought to raise an issue that was outside the scope of an appeal from the Modification Order, the Board ordered Appellant to show cause why his appeal should not be dismissed. *Id.*²

¹ Decedent, who was also known as Juanita M. Strozzi, was a Te-Moak Shoshone (Elko). The probate number assigned to Decedent's case in the Department of the Interior's probate tracking system, ProTrac, is No. P000043064IP.

The Modification Order was issued after the Bureau of Indian Affairs requested that the estate inventory be modified to add and distribute personal trust property to Decedent's estate as a result of the distribution of the Western Shoshone Land Claim. The ALJ ordered that the additional trust personalty be distributed to Decedent's devisee, Tilford Lane Landis, Jr. (Tilford), pursuant to the ALJ's October 27, 2008, Decision, which approved Decedent's June 19, 2000, Last Will and Testament.

² In his notice of appeal, Appellant contended that Decedent would have wanted her estate to be distributed to all of her grandchildren, not just to Tilford. In the OSC, the Board explained that the issue of who was entitled to Decedent's estate was decided in the Decision and was not reopened in the Modification Order. The Board also explained that reopening the ALJ's approval of the will would require compliance with the requirements of 43 C.F.R. § 30.243.

The Board set a deadline of July 11, 2013, for Appellant to comply with the Board's order, and advised Appellant that if he failed to comply with or respond to the Board's order, his 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 June 17, 2013.

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.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

//original signed
Debora G. Luther
Administrative Judge