



INTERIOR BOARD OF INDIAN APPEALS

Estate of Charles Lloyd Doney

57 IBIA 293 (08/16/2013)



# 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

ESTATE OF CHARLES LLOYD	)	Order Docketing and Dismissing
DONEY	)	Appeal
	)	
	)	Docket No. IBIA 13-093
	)	
	)	August 16, 2013

James L. Doney (Appellant) appealed to the Board of Indian Appeals (Board) from a Modification Order to Delete Property (Modification Order) entered on April 23, 2013, by Indian Probate Judge (IPJ) Albert C. Jones, in the estate of Appellant’s uncle, Charles Lloyd Doney (Decedent).<sup>1</sup> The Modification Order granted a reopening petition from the Turtle Mountain Agency Superintendent, Bureau of Indian Affairs (BIA), and removed trust property from Decedent’s estate inventory.<sup>2</sup>

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. In addition, because it appeared that Appellant lacked standing because he was not affected by the removal of the properties from Decedent’s estate inventory, and Appellant had failed to object to the proposed modification when provided an opportunity, the Board ordered Appellant to show cause why his appeal should not be dismissed or the Modification Order summarily affirmed.

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.

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<sup>1</sup> Decedent was a Turtle Mountain Chippewa. His probate is assigned Probate No. P000079563IP in the Department of the Interior’s probate tracking system, ProTrac.

<sup>2</sup> Specifically, the Modification Order removed trust interests in Fort Belknap Allotment Nos. 204-M109-D, 204-M110, 204-M110-A, and Turtle Mountain Public Domain Allotment No. 224-1585 from Decedent’s estate inventory, which BIA reported had been erroneously included in Decedent’s estate.

The U.S. Postal Service's Track-and-Confirm service on its website indicates that Appellant received the Board's order on June 27, 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:

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// original signed  
Steven K. Linscheid  
Chief Administrative Judge

\_\_\_\_\_  
//original signed  
Thomas A. Blaser  
Administrative Judge