



INTERIOR BOARD OF INDIAN APPEALS

Estate of Steven Oliver White Magpie, Sr.

58 IBIA 127 (11/19/2013)



# 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 STEVEN OLIVER	)	Order Docketing and Dismissing
WHITE MAGPIE, SR.	)	Appeal
	)	
	)	Docket No. IBIA 13-133
	)	
	)	November 19, 2013

LaTonna Hope Plenty Wolf-Janis (Appellant) appealed to the Board of Indian Appeals (Board) from an Order Granting Rehearing (Rehearing Order) entered on August 15, 2012, by Administrative Law Judge (ALJ) Larry M. Donovan in the estate of Steven Oliver White Magpie, Sr. (Decedent).<sup>1</sup> On receipt of the appeal, the Board ordered Appellant to complete service of her appeal on the ALJ and interested parties, as required by 43 C.F.R. §§ 4.310(b) and 4.323, and to notify the Board that she had done so. In addition, because it appeared that Appellant’s appeal was untimely, the Board ordered Appellant to show cause (i.e., explain) why her appeal should not be dismissed.<sup>2</sup>

The Board set a deadline of September 30, 2013, for Appellant to comply with the Board’s order, and advised Appellant that if she failed to comply with or 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 September 4, 2013.

The Board has received no response from Appellant.

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<sup>1</sup> Decedent was an Oglala Sioux. His probate is assigned Probate No. P000081616IP in the Department of the Interior’s probate tracking system, ProTrac.

In the Rehearing Order, the ALJ granted a petition for rehearing by a daughter of Decedent, Gayla White Magpie, and removed Appellant as an heir, after finding that there was a lack of evidence to establish that Appellant is a child of Decedent.

<sup>2</sup> Appellant filed her appeal with the Board on August 21, 2013. A timely appeal must be filed within 30 days after the probate judge’s decision or order is mailed with accurate appeal instructions. *See* 43 C.F.R. § 4.321(a).

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