



INTERIOR BOARD OF INDIAN APPEALS

Estate of Patrick Vine Loves War

58 IBIA 248 (05/02/2014)



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 PATRICK VINE LOVES)	Order Docketing and Dismissing
WAR)	Appeal
)	
)	Docket No. IBIA 14-060
)	
)	May 2, 2014

Robin D. Shaw (Appellant) appealed to the Board of Indian Appeals (Board) from an Order Denying Reopening entered on January 17, 2014, by Administrative Law Judge (ALJ) Larry M. Donovan in the estate of Patrick Vine Loves War (Decedent).¹ The Order Denying Reopening denied a petition for reopening by Norma White Lightning (nee Loves War) after finding that there was a lack of evidence to support the allegation that James Alan Loves War (James) is not the son of Decedent.²

On receipt of the appeal, the Board ordered Appellant to complete service of his 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 he had done so. In addition, because it appeared that Appellant's appeal was untimely³ and that he lacked standing (i.e., a right) to bring the

¹ Decedent was a Standing Rock Sioux Indian. His probate is assigned Probate No. P000091052IP in the Department of the Interior's probate tracking system, ProTrac.

² The Order Denying Reopening left in place the ALJ's initial April 27, 2012, Decision, which found that Decedent had died intestate and ordered the distribution of Decedent's interests in trust real property on the Standing Rock Sioux Reservation, and any funds in Decedent's Individual Indian Money account on the date of death, to James as Decedent's son, in accordance with the Standing Rock Sioux Inheritance Act of June 17, 1980, Pub. L. No. 96-274, 94 Stat. 537, and the American Indian Probate Reform Act (AIPRA), 25 U.S.C. § 2201 *et seq.* In his notice of appeal, Appellant asserted that he is a nephew of Decedent and that James is not Decedent's biological son and is not entitled to inherit from Decedent's estate.

³ Appellant filed his appeal with the ALJ's office in Rapid City, South Dakota, which received it on February 18, 2014. The ALJ's office forwarded the appeal to the Board, which received it on February 21, 2014. An appeal from a probate judge's decision or
(continued...)

appeal, the Board ordered Appellant to show cause (i.e., explain) why his appeal should not be dismissed.

The Board set a deadline of April 3, 2014, 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 March 4, 2014.

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
Thomas A. Blaser
Administrative Judge

//original signed
Steven K. Linscheid
Chief Administrative Judge

(...continued)
order must be filed with the Board within 30 days from the date the decision or order was mailed with accurate appeal instructions. *See* 43 C.F.R. § 4.321(a).