



INTERIOR BOARD OF INDIAN APPEALS

Miller Cattle Company v. Rocky Mountain Regional Director, Bureau of Indian Affairs

59 IBIA 336 (01/29/2015)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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MILLER CATTLE COMPANY,)	Order Docketing and Dismissing
Appellant,)	Appeal
)	
v.)	
)	Docket No. IBIA 15-023
ROCKY MOUNTAIN REGIONAL)	
DIRECTOR,)	
Appellee.)	January 29, 2015

Miller Cattle Company (Appellant), through David A. Miller, appealed to the Board of Indian Appeals (Board) from a September 18, 2014, decision (Decision) of the Rocky Mountain Regional Director (Regional Director), Bureau of Indian Affairs (BIA), regarding a request made by Appellant for action or a decision concerning a purported agricultural trespass in the Midwest pasture on the Crow Reservation. In its notice of appeal filed with the Board, Appellant asserted, without explanation, that the Regional Director's decision is ambiguous.¹

On receipt of the appeal, the Board ordered Appellant to clarify why it believes that the Decision is ambiguous, how the Decision or any ambiguity in the Decision adversely affects Appellant, and what relief Appellant seeks from the Board.² The Board set a deadline of December 4, 2014, for Appellant to respond to the Board's order.

The U.S. Postal Service's Track-and-Confirm service on its website indicates that Appellant received the Board's order on October 28, 2014.

¹ According to the Decision, Appellant filed a 25 C.F.R. § 2.8 appeal with the Regional Director on April 15, 2014, for action or a decision regarding the purported trespass. Decision at 2 (unnumbered). While the § 2.8 appeal was pending before the Regional Director, BIA sent a trespass notice to a Frank Knows His Gun. *Id.* Thus, it appeared that BIA had acted on Appellant's complaint. In addition, the Regional Director's decision responded to five issues raised by Appellant. *Id.* at 3-4 (unnumbered).

² Pre-Docketing Notice, Order Concerning Service List, and Order for Clarification from Appellant, Oct. 24, 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