



INTERIOR BOARD OF INDIAN APPEALS

Estate of Lastarza Four Horns

61 IBIA 163 (08/06/2015)



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 LASTARZA FOUR)	Order Docketing and Dismissing
HORNS)	Appeal
)	
)	Docket No. IBIA 15-084
)	
)	August 6, 2015

Deanna Standing Rock (Appellant) appealed to the Board of Indian Appeals (Board) from an order entered on April 29, 2015, by Administrative Law Judge (ALJ) Larry M. Donovan in the estate of Lastarza Four Horns (Decedent), denying in part a petition seeking to reopen Decedent’s probate case to add Seneca Standing Rock (Seneca) as a child and heir of Decedent.¹

Upon receipt of the appeal, the Board ordered Appellant to complete service of the notice of 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, the Board ordered Appellant to show cause why the Board should not dismiss the appeal for lack of standing or as outside the scope of the Order Denying Reopening. The Board set a deadline of July 6, 2015, 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, this 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 8, 2015.

¹ Decedent was a Rosebud Sioux, and was also known as Lester Levi Four Horns. His probate was assigned Probate No. P000093512IP.

The ALJ’s order is styled as a “Modification to Add Omitted Heir,” and granted in part a Petition to Reopen to Add Heirs filed by the Acting Superintendent, Rosebud Agency, Bureau of Indian Affairs. The ALJ reopened Decedent’s probate case to add Lydia Alice Four Horns as an heir, but denied the petition with respect to adding Seneca and another individual, Barry Red Cloud, as heirs. Because the appeal apparently pertains to the portion of the order declining to add Seneca as an heir, we refer to it as the Order Denying Reopening.

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