



## INTERIOR BOARD OF INDIAN APPEALS

Herbert W. Brandt v. Rocky Mountain Regional Director, Bureau of Indian Affairs

62 IBIA 355 (03/31/2016)



# 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

HERBERT W. BRANDT,	)	Order Docketing and Dismissing
Appellant,	)	Appeal
	)	
v.	)	
	)	Docket No. IBIA 16-043
ROCKY MOUNTAIN REGIONAL	)	
DIRECTOR, BUREAU OF INDIAN	)	
AFFAIRS,	)	
Appellee.	)	March 31, 2016

On January 27, 2016, the Board of Indian Appeals (Board) received a notice of appeal from Herbert W. Brandt (Appellant), pro se. Appellant seeks review of a December 21, 2015, decision of the Rocky Mountain Regional Director, Bureau of Indian Affairs (BIA), upholding the BIA Fort Peck Agency, Superintendent’s decision cancelling the grazing permit held by Appellant for Range Unit 26 on the Fort Peck Indian Reservation.

On receipt of the appeal, the Board ordered Appellant to complete service of his appeal on the Fort Peck Assiniboine and Sioux Tribes, as required by 43 C.F.R. §§ 4.310(b) and 4.323, and to notify the Board that he had done so. The Board set a deadline of March 7, 2016, 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 February 13, 2016. The Board has received no response from Appellant.<sup>1</sup>

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<sup>1</sup> On March 16, 2016, the Board’s paralegal specialist received an email from BIA forwarding an email sent by Appellant to BIA’s Fort Peck Agency stating that he “would like to withdraw [his] appeal on Fort Peck tribal lease Range unit no. 26.” The Board did not receive a request directly from Appellant regarding withdrawal of his appeal.

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  
Thomas A. Blaser  
Administrative Judge

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//original signed  
Steven K. Linscheid  
Chief Administrative Judge