



## INTERIOR BOARD OF INDIAN APPEALS

Paiute Indian Tribe of Utah v. Western Regional Director, Bureau of Indian Affairs

40 IBIA 278 (03/17/2005)



# United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
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ARLINGTON, VA 22203

PAIUTE INDIAN TRIBE OF UTAH,	:	Order Dismissing Appeal
Appellant,	:	
	:	
v.	:	
	:	Docket No. IBIA 04-157-A
WESTERN REGIONAL DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee.	:	March 17, 2005

The Paiute Indian Tribe of Utah (Tribe) appealed from the failure of the Western Regional Director, Bureau of Indian Affairs (Regional Director; BIA), to respond to a June 21, 2004, letter from the Tribe, requesting a decision on a 22.3-acre trust land acquisition, on behalf of the Tribe's Kanosh Band (Band). The Tribe's request for a decision was made pursuant to 25 C.F.R. § 2.8, which provides a mechanism for appealing from inaction by a BIA official, after an appellant has complied with the requirements of that section.

On February 10, 2005, the Board received a status report on this matter from the Regional Director. The report attaches a copy of a memorandum from the Regional Director to the BIA Southern Paiute Agency, which indicates that the Regional Director has approved the trust acquisition, and that the only issues remaining before the title transfer may take place pertain to certain conditions in a Supplementary Preliminary Title Opinion (SPTO). The Regional Director transmitted the SPTO to the Agency for action by the Band. The Tribe has not filed a response to the Regional Director's status report, although it was given the opportunity to do so.

Based on the Regional Director's report of the action he has taken on the Tribe's request, the Board concludes that this appeal from inaction should be dismissed. See Paiute Indian Tribe v. Western Regional Director, 40 IBIA 208, 209 & n.3 (2005) (Board will dismiss an appeal from inaction when Regional Director has completed as much action on a request as is allowed or required under the circumstances, or where BIA is otherwise acting on an appellant's request).

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// original signed  
Steven K. Linscheid  
Chief Administrative Judge

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// original signed  
Colette J. Winston  
Administrative Judge