



INTERIOR BOARD OF INDIAN APPEALS

Gary French v. Western Regional Director, Bureau of Indian Affairs

40 IBIA 310 (04/13/2005)



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

GARY FRENCH,	:	Order Dismissing Appeal
Appellant,	:	
	:	
v.	:	
	:	Docket No. IBIA 05-20-A
WESTERN REGIONAL DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee.	:	April 13, 2005

Gary French (Appellant), pro se, appealed an October 13, 2004, decision of the Western Regional Director, Bureau of Indian Affairs (Regional Director; BIA), which vacated the Fort Yuma Agency Superintendent's decision to cancel Lease No. F-330, for a 1-acre portion of Allotment No. 660 on the Quechan Indian Reservation.

Appellant is the owner of Allotment No. 660 and successor lessor to Lease No. F-330. Appellant objected to the manner in which the lessee was using the property. He appealed to the Board after the Regional Director concluded that an alleged lease violation had been cured and that the matter should be remanded to the Superintendent to assist the parties in further negotiations, as needed.

After the appeal was filed, the Board received a copy of a letter addressed to the Regional Director from the lessee, informing him that the lessee intended to terminate the lease and vacate the premises. Subsequently, the Regional Director informed the Board that BIA had confirmed that the lessee had vacated the premises, and that BIA had provided Appellant with lease cancellation forms, should he want to formally cancel the lease. The Regional Director suggested that these developments may have made this appeal moot.

On February 25, 2005, the Board ordered Appellant to respond, on or before March 18, 2005, to the Regional Director's suggestion of mootness. The Board's order stated that failure to comply with the order could result in summary dismissal of the appeal.

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 dismisses this appeal for failure to prosecute.

I concur:

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Steven K. Linscheid
Chief Administrative Judge

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Anita Vogt
Senior Administrative Judge