



INTERIOR BOARD OF INDIAN APPEALS

Josh Neadeau and Daniel Defoe v. Midwest Regional Director, Bureau of Indian Affairs

46 IBIA 300 (03/18/2008)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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JOSH NEADEAU,)	Order Dismissing Appeals
Appellant,)	
and)	
)	
DANIEL DEFOE,)	
Appellant,)	Docket Nos. IBIA 05-47-A
)	05-49-A
v.)	
)	
MIDWEST REGIONAL DIRECTOR,)	
BUREAU OF INDIAN AFFAIRS,)	
Appellee.)	March 18, 2008

Josh Neadeau and Daniel Defoe (Appellants) appealed to the Board of Indian Appeals (Board) from two decisions by the Midwest Regional Director, Bureau of Indian Affairs (Regional Director; BIA), which found them liable for timber trespass and assessed damages against them.¹ Each decision addressed an April 5, 2004, timber trespass and ensuing fire at a red pine plantation along Little Rock Trail on Indian owned lands administered by the United States, located in Sections 33 and 34, Range 35 W, Township 151N, on the Red Lake Reservation of the Red Lake Band of Chippewa Indians (Tribe). The Regional Director's decision finding Defoe liable was issued on January 11, 2005, and his decision finding Neadeau liable was issued on January 14, 2005. The Board dismisses these appeals for failure to prosecute.

In March of 2005, the Board was advised that Appellants might be interested in settling this matter, after which the Regional Director began consulting with the Tribe on the possibility of settlement. On April 24, 2006, at the request of the Regional Director, the Board stayed the appeal proceedings to allow settlement efforts to continue. Since then, the Regional Director has filed several status reports indicating that both BIA and the Tribe

¹ Appellants apparently both were juveniles at the time the trespass occurred, and Defoe's appeal was filed on his behalf by his mother, Connie Anderson. In February of 2007, in a status report regarding settlement efforts, the Regional Director reported BIA's belief that Appellants by then had both reached the age of majority.

were amenable to possible settlement, but that progress had been hampered because one appellant had been incarcerated and the other could not be located.

After several more orders continuing the stay at the request of the Regional Director, on November 20, 2007, the Board issued an order for Appellants to show cause why the appeal should not be dismissed for failure to prosecute. In that order, the Board noted that since the initial stages of their appeals, neither Appellant had shown any interest in prosecuting the appeals or, in the alternative, pursuing the possibility of settlement. The Board ordered each Appellant, on or before February 19, 2008, to show cause why his respective appeal should not be dismissed for failure to prosecute. The Board advised Appellants that failure to respond could result in summary dismissal of their appeals without further notice.

The Board has received no response from Appellants.

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 these appeals for failure to prosecute.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Debora G. Luther
Administrative Judge