IN THE TRIBAL APPELLATE COURT OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD RESERVATION, PABLO, MONTANA

DANIEL F. DECKER, Plaintiff/Appellant.	* * *	CAUSE NO. AP-02-91
vs.	* *	**ORDER DISMISSING APPEAL**
ROBERTA K. DECKER, Respondent.	* *	

This Court has reviewed the Motion to Dismiss Appeal and Brief in Support filed by the Respondent by and through counsel of record Rebecca Dupuis on June 19, 1992.

That the Petitioner/Appellant filed a notice of appeal on a Final Order of the trial Court dated October 17, 1991 by the Honorable Judge Stephen A. Lozar. The Appeal was granted by Acting Chief Judge Louise C. Burke.

A Order Dismissing the Appeal was issued for failure of the Appellant to order the transcript on appeal according to Part 4, Rule 3. Record of Appeal. A Motion to Vacate Order and for Enlargement of Time was filed by the Appellant on January 10, 1992. A Order Vacating Dismissal was issued by Judge Louise C. Burke on January 30, 1992. Appellant ordered the transcript on appeal. The transcript was transferred to the Appellate Court and the time for briefing was set. Appellant had until April 7, 1992 to file his brief in support of the appeal. A motion filed by appellant by and through counsel for an Extension of Time to File Brief in Support was filed on April 7, 1992. A motion to deny the motion for extension of time was filed by the respondent by and through counsel Rebecca Dupuis. A Order Denying the Extension of Time to File the Brief in Support was issued on April 22, 1992 by Acting Chief Judge Louise C. Burke.

On June 19, 1992 a Motion to Dismiss Appeal and Brief were filed by Respondent. No response was filed by the Appellant in this matter. As of this date no Appellant Brief was ever filed.

According to the Tribal Court Appellate Procedures, Part 4 Rule 10. Briefs. (a) The brief of the appellant shall be filed and served within 20 days after the date on which the record is filed and transmitted.

Part 4, Rule 10. Briefs. 6 (f) states: If an appellant fails to file a brief within the time provided by this rule, or within the time extended, the respondent may move for dismissal of the appeal.

The Court makes the following conclusion.

IT IS HEREBY ORDERED, ADJUDGED and DECREED that as Acting Chief Judge and on behalf of the Appellate Court and in the interests of justice and of efficient judicial administration. This Court hereby grants the Motion to Dismiss Appeal with prejudice.

SO ORDERED this 30th day of June, 1992.

Louise C. Burke

Louise C. Burke
Acting Chief Judge of Tribal Court

CERTIFICATE OF SERVICE

I, Susie Loughlin, Appellate Clerk of Court do hereby certify that I have caused a true and correct copy of said ORDER DISMISSING APPEAL on this 7TH day of JULY 1992 to the parties first named at the addresses shown by depositing said in the U.S. Mail, postage prepaid at Pablo, Montana or by hand-delivering on this date stated below:

REBECCA DUPUIS, ATTORNEY AT LAW
P.O. BOX 249
POLSON, MONTANA 59860

ANN GERMAN, ATTORNEY AT LAW
P.O. BOX 1530
LIBBY, MONTANA 59923

JULY 7TH, 1992
Date

Susie Loughlin
Chief Clerk of Court