



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

CALIFORNIA VALLEY MIWOK)	Order for Statement from
TRIBE,)	Appellant's Counsel of Record
Appellant,)	
)	
v.)	
)	Docket No. IBIA 07-100-A
PACIFIC REGIONAL DIRECTOR,)	
BUREAU OF INDIAN AFFAIRS,)	
Appellee.)	October 15, 2009

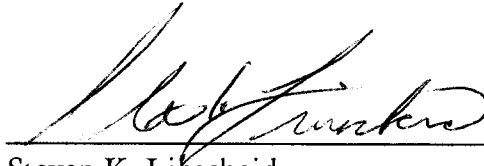
The California Valley Miwok Tribe (Tribe or Appellant), through Silvia Burley, has appealed to the Board of Indian Appeals (Board) from an April 2, 2007, decision of the Pacific Regional Director, Bureau of Indian Affairs (Regional Director; BIA). The Regional Director rejected Burley's appeal from a November 6, 2006, decision of the Central California Agency Superintendent, BIA, to assist the Tribe in organizing a tribal government by sponsoring a general council meeting of the Tribe, to which members and "potential" or "putative" members would be invited. Briefing on the appeal is completed and it was recently taken under consideration by the Board.

On September 28, 2009, the Board received a notice of change in counsel and entry of appearance by Robert A. Rosette, Esq., Kevin Cochrane, Esq., and Saba Bazzazich, Esq., of Rosette & Associates, PC, on behalf of Appellant.

On September 30, 2009, the Board issued an Order Denying Appellant's Request to Reopen Briefing, Conduct Discovery, and File Supplemental Brief, in response to a request from Appellant, signed by Burley, but not by Appellant's counsel. In that Order, the Board made clear that it was too late for Appellant to seek to reopen briefing or to interject new arguments or evidence that should have been presented sooner.

On October 13, 2009, the Board received a pleading titled "Appellant's Request for Judicial Notice," signed by Burley, in which Appellant asks the Board to take "judicial notice" of the U.S. Supreme Court's October 5, 2009, denial of a petition for certiorari for review of a decision issued in 2008 by the U.S. Court of Appeals for the Tenth Circuit, and "judicial notice" of the underlying decisions of the Court of Appeals and the District Court.

On or before October 30, 2009, counsel for Appellant are ordered to clarify to the Board whether counsel reviewed and endorse Burley's most recent request as one made in good faith and for which a reasonable legal justification exists. In the absence of Appellant's counsel's endorsement of the request, the Board will not consider it.



Steven K. Linscheid
Chief Administrative Judge

Distribution: See attached list.

Distribution: IBIA 07-100-A

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