
**FORT PECK TRIBAL COURT OF APPEALS
FORT PECK INDIAN RESERVATION
ASSINIBOINE AND SIOUX TRIBES
POPLAR, MONTANA**

In re: the Matter of the Estate of

Daniel Martell Sr.

Appeal No. 416

A Deceased Indian Person

ORDER DISMISSING PETITION

A timely **PETITION FOR REVIEW** was filed **October 10, 2003** from an **Order Determining Heirs and Distribution of Property**, the **Honorable Marvin Youpee**, presiding, issued on **September 24, 2003**. On October 29, 2003, this Court issued its **ORDER GRANTING PETITION FOR REVIEW AND SETTING BRIEFING SCHEDULE** wherein appellant was to file a brief, memorandum or statement, in support of said petition with the Clerk of the Court of Appeals, P. O. Box 1133, Wolf Point, Montana 59201, on or before **November 21, 2003**. Further, said order also stated, "Should appellant fail to file supporting papers, or a notice electing to stand on the lower Court record, the petition may be dismissed, subject to the discretion of this Court."

Appellant having failed to comply with this Court's order in that no brief, memorandum or statement in support of said petition having been filed and further, Appellant having failed to file a Notice electing to stand on the lower Court record, this Court finds that such petition lacks substantive merit and therefore should be dismissed.

IT IS NOW THEREFOR THE ORDER OF THIS COURT THAT:

The petition filed by appellant on **October 10, 2003**, is dismissed. All Tribal Court judgments and orders heretofore stayed or not acted upon because of, or pursuant to the pendency of this appeal, are herewith restored and shall be given full force and effect without further delay.

Dated this 10th day of April 2002.

FOR THE FORT PECK COURT OF APPEALS

BY _____

**Gary P. Sullivan
Chief Justice**

CONCUR:

**Gerard M. Schuster
Associate Justice**

**CARROLL J. DE COTEAU
Associate Justice**
