

**FORT PECK COURT OF APPEALS
 ASSINIBOINE & SIOUX TRIBES
 POPLAR, MONTANA**

FORT PECK HOUSING AUTHORITY)
)
 Plaintiff/Appellant,)
)
 -vs-)
)
 JOHNNA SPOTTED WOLF,)
)
 Defendant/Appellee)
)
 *****)

Appeal No. 510

OPINION AND ORDER

LaFon Copenhaver, Lay Counselor, 310 Hwy 2 East, Wolf Point, MT 59201; John Fredericks III, Esq., Fredericks Peebles & Morgan LLP, 1900 Plaza Drive, Louisville, CO, 80027, for the For Peck Housing Authority.

Mary L. Zemyan, Esq., 218 Third Avenue S., Wolf Point, MT 59201 for Ms. Spotted Wolf.

On April 29, 2009, Appellee Johnna Spotted Wolf filed a Motion to Dismiss the pending appeal in this matter as well as the underlying Complaint for Eviction. Appellee Spotted Wolf has vacated the premises at issue. On May 19, 2009, Appellant Fort Peck Housing Authority responded that it supported dismissal of the appeal on the grounds of mootness but opposed dismissal by the Court Of Appeals of the underlying Complaint as beyond the authority of the Court of Appeals.

We agree with Appellant. In this proceeding we have authority only to dismiss the appeal, as requested and to remand the matter to the Tribal Trial Court with

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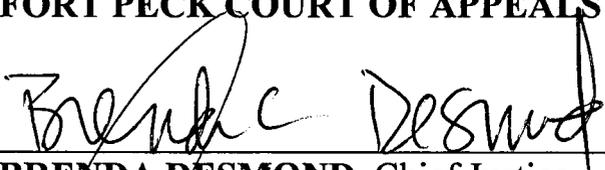
instructions to vacate the Tribal Trial Court August 7, 2008 Order as moot. Any further proceedings at the Trial level are within that Court's authority.

Therefore, IT IS HEREBY ORDERED that this appeal is dismissed and the Tribal Trial Court is directed to vacate its August 7, 2008 Order.

DATED this 4th day of August, 2009.

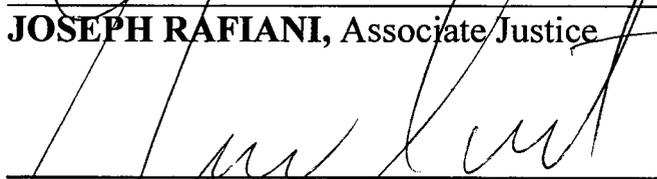
FORT PECK COURT OF APPEALS

By:



BRENDA DESMOND, Chief Justice


JOSEPH RAFIANI, Associate Justice


GERALD SCHUSTER, Associate Justice