

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

TODD BAUER and PATRICIA BAUER,)	
)	
Appellants,)	Cause No. <u>515</u>
)	
-vs-)	
)	ORDER DENYING APPEAL
FORT PECK HOUSING AUTHORITY,)	
)	
Appellee.)	

This matter comes before the Fort Peck Court of Appeals on a timely filed Petition for Review of an Order issued by the Honorable Chief Judge Richard Jackson, being an Order Dissolving Temporary Restraining Order. This Order, dated August 19, 2008, basically reaffirmed a June 4, 2007 "Order of Eviction – Order of Forcible Entry and Detainer". The Court entered an Order Granting Stay of these orders pending this Appeal.

Mary L. Zemyan, Attorney at Law, appeared for Appellants. Fort Peck Housing Authority appeared by Response to Petition for Review by John Fredericks, III, Attorney at Law, and LaFon Copenhaver, Local Lay Counselor at Law.

On the basis of the issues set forth in the Petition for Review and Response thereto, we deny the Appeal.

PROCEDURAL REVIEW

The procedural history of this case is set forth in Appellee's Response to Petition for Review, and as such is supported by a review of the pleadings and record.

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Basically, the issue on appeal is one of alleged negligence of counsel/lay advocate for Appellants.

We find no merit in their argument as to this appeal. There are no legal or factual errors in the Order Dissolving Temporary Restraining Order or underlying Order of Eviction which are identified as matters for review by this Court. We find that the Orders were supported by substantial evidence, and there is no showing of denial of due process.

Appellants' remedy, if any, for their allegation of ineffective counsel is not a basis for appeal in a civil matter.

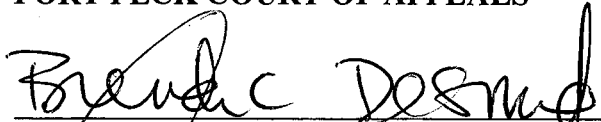
IT IS NOW, THEREFORE, THE ORDER OF THIS COURT that the Petition for Review be, and the same is hereby denied.

The matter is remanded to the Fort Peck Tribal Court for further proceedings in accordance herewith.

DATED this 3rd day of August, 2009.

FORT PECK COURT OF APPEALS

By:


BREND A DESMOND, Chief Justice


JOE RAFFIANI, Associate Justice


GERARD M. SCHUSTER, Associate Justice