

IN THE COURT OF APPEALS
OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION

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|--------------------------|---|-------------------------|
| |) | CAUSE NO. AP-10-0165-CC |
| |) | |
| ELI ALEXANDER ADAMS, |) | ORDER DISMISSING APPEAL |
| Appellant, |) | |
| Vs. |) | |
| |) | |
| DANA LYNN COMES AT NIGHT |) | |
| Appellee. |) | |
| |) | |

Eli Adams filed a Notice of Appeal with this Court on August 9, 2011. This Court cannot proceed with this appeal because it was not properly filed and the Appellant failed to pursue his appeal.

Rule 1 of the Rules of Appellate Procedure in the Confederated Salish and Kootenai Tribes Law Codified (2003) says in relevant part, "(1) An appeal shall be taken by filing a notice of appeal with the Appellate Administrator, with a copy to the Clerk of the Tribal Court within 20 days of the date of the final judgment or order of the trial court. Failure of an appellant to timely file a notice of appeal is ground for dismissal of the appeal."

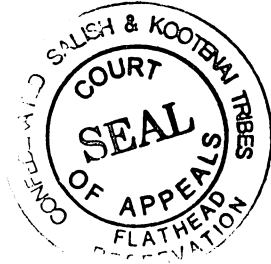
Mr. Adams filed his Notice of Appeal with the Appellate Court Administrator. He did not file a copy of that Notice of Appeal with the Clerk of the Tribal Court. Rule 5 of the Rules of Appellate Procedure also specifies that an appellant must pay a filing fee. An appellant may request a waiver of that fee and proceed with his appeal. However, no waiver was requested and Rule 5 very clearly says that failure to pay the fee is grounds for dismissal. Without completing the second filing and paying the fee, the Appellant has failed to pursue his appeal. This Court is left with no choice but to dismiss this appeal.


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ORDER

IT IS HEREBY ORDERED that this Appeal is DISMISSED with prejudice.

IT IS SO ORDERED THIS 14th day of December, 2011




Eldena N. Bear Don't Walk
Chief Justice

Cc: Eli Adams, Appellant
Dana Comes At Night, Appellee

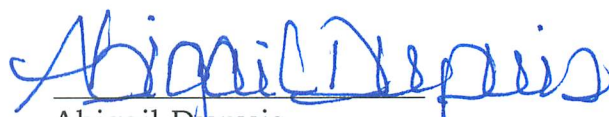
Certificate of Mailing

I, Abigail Dupuis, Appellate Court Administrator, do hereby certify that I mailed a true and correct copy of the ***Order Dismissing Appeal*** to the persons first named therein at the addresses shown below by depositing same in the U.S. Mail, postage prepaid at Pablo, Montana, or via inter-office mail this 15th day of December, 2011.

Eli Alexander Adams
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Abigail Dupuis
Appellate Court Administrator