

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

MIKE T. McVICKER,	)	CAUSE NO. AP-11-349-CV
Appellant,	)	
	)	
vs.	)	
	)	
	)	
LISA D. MULHOLLAND, f/k/a LISA D.	)	ORDER DISMISSING APPEAL
McVICKER and GEORGE LEROY	)	
DUMONTIER,	)	
Appellees.	)	
	)	

Mike T. McVicker appeals the lower court’s final order in this case. Such appeals are governed by the Confederated Salish and Kootenai Law and Order Code (2003). Several deadlines, as dictated by the CSKT Rules of Appellate Procedure (hereinafter RAP), must be met in order for this Court to be able to hear a case.

A Notice of Appeal must be filed within 20 days of the date of a final judgment from the trial court. The Appellant timely filed his notice of appeal. Within five days of filing a Notice of Appeal, an Appellant must order a transcript of the lower court record according to Rule 3, RAP. Appellant ordered the transcript within the time required by the Rule.

Rule 4 indicates that the lower court record must be transmitted to the Appellate Court Clerk within 30 days after filing the Notice of Appeal, unless an extension has been granted for good cause. Upon the completion of the record transmittal, the case is deemed transferred to the Appellate Court.

The issue in this case arises with the filing of the brief as required by Rule 15 of the RAP. Rule 15 lays out the process through which an Appellant must write, file and serve her brief. Rule 15(1), in relevant part, states, “An appellant's brief shall be filed and served within 20 days of the date the record is filed and transmitted...”

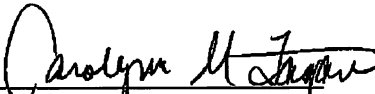
Appellant's brief in this case was due to be filed by February 22, 2012. Appellant filed a motion requesting an extension of time to file his brief. This Court issued an Order extending the time for the brief to be filed to March 1, 2012. No brief was filed by March 1, 2012 and over a month has passed since that date and no brief has been filed. Without a brief from the Appellant, this Court cannot proceed.

This Court must dismiss this case for failure to file a brief.

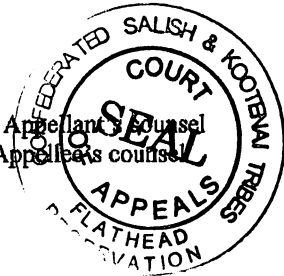
**ORDER**

**IT IS HEREBY ORDERED** that the case before this Court is **DISMISSED** with prejudice.

**IT IS SO ORDERED THIS** 9<sup>th</sup> **DAY OF APRIL, 2012.**

  
CAROLYNN M. FAGAN  
Special Justice

cc: Torian Donohoe, Appellant's Counsel  
Thane Johnson, Appellee's Counsel



**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 hand-delivered this 9th day of April, 2012.**

**Torian Donohoe  
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**Cara Croft  
Clerk of the Tribal Court  
Confederated Salish and Kootenai Tribes  
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Pablo, MT 59855**



**Abigail Dupuis  
Appellate Court Administrator**