

COURT OF APPEALS

Nakia Jordan,
Appellant,

Case #: 16-AC-005

v.

August 2, 2016

Oneida Police Department,
Respondent.

DISMISSAL ORDER

Reviewing Oneida Appellate Judges: Diane House, Chad Hendricks, and Jennifer Hill-Kelley.

Procedural Background

On May 9, 2016, Appellant Nakia Jordan (hereinafter referred to as “Appellant”), filed a Notice of Appeal, Fee Waiver Request, and Motion for Waiver of Deposit/Bond. On June 8, 2016, this Court accepted this case for appellate review, granted the Fee Waiver Request, and denied the Motion for Waiver of Deposit/Bond without prejudice. On June 21, 2016, a Motion for reconsideration of the ruling denying this waiver of Deposit/Bond was granted. This case then proceeded with the briefing schedule in accordance with Oneida Rules of Appellate Procedure §154.11.

The Oneida Rules of Appellate Procedure §154.11-1(d) require the Appellant to “... serve on the Respondent and file with the Clerk a brief within twenty (20) days after acceptance of the Certification of Record.” Appellant signed for receipt of the Certification of Record on June 27, 2016. Based upon this acceptance, Appellant was then required to file the Appellant’s brief by July 18, 2016. To date, Appellant has not filed a brief with the Clerk, nor has there been any

motions filed by Appellant for an extension of time to file a brief.

Decision

This Court, on its own motion pursuant to Oneida Rules of Appellate Procedure §154.4-2, hereby takes judicial notice of Appellant's failure to file the Appellant's brief and has determined that an entry of a dismissal order in this case is justified as a consequence for failure to file said brief. Based upon the foregoing, this Court hereby directs an order of dismissal pursuant to §154.13-1(b)(4), and dismisses this appeal in accordance with §154.15-3(a), with said dismissal being granted with prejudice.

By the authority vested in the Oneida Judiciary, Court of Appeals pursuant to Oneida General Tribal Council Resolution 01-07-13-B, this Dismissal Order is entered this 2nd day of August, 2016 in the matter of Case # 16-AC-005, *Nakia Jordan v. Oneida Police Department*.

It is so ordered.