

COURT OF APPEALS

Liane Melchert,

Appellant,

Case #: 16-AC-006

v.

September 8, 2016

Oneida Division of Land Management,

Respondent.

DISMISSAL ORDER

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

Procedural Background

On May 20, 2016, Appellant Liane Melchert (hereinafter “Appellant”), filed a Notice of Appeal, Motion to Stay, and Motion for Waiver of Deposit/Bond. On June 1, 2016, this Court accepted the case for appellate review, granted the Motion to Stay, and denied the Motion for Waiver of Deposit/Bond without prejudice. On June 8, 2016, Appellant filed a Motion for Reconsideration of this denial of the deposit/bond requirement. On June 15, 2016, the Motion for Reconsideration 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, who consented to electronic service on June 8, 2016, was e-mailed the Certification of Record on July 6, 2016. Based upon this acceptance of the Certification of Record, Appellant was then required to file the Appellant’s brief by July 26,

2016. To date, Appellant has not filed a brief with the Clerk, nor has she filed any motions for an extension of time to file a brief. On August 3, 2016, Respondent filed a Motion to Dismiss pursuant to Oneida Rules of Appellate Procedure §154.11-1(e). On August 15, 2016, Appellant filed a request to deny the Motion to Dismiss without addressing the failure to file a brief.

Decision

This Court has determined that an entry of a dismissal order in this case is justified as a consequence for Appellant's failure to file said brief within the timeline required in §154.11-1(d). Pursuant to §154.13-1(b)(4), this Court dismisses this appeal with prejudice in accordance with §154.15-3(a).

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 8th day of September, 2016, in the matter of Case # 16-AC-006, *Liane Melchert v. Oneida Division of Land Management*.

It is so ordered.