

IN THE CROW COURT OF APPEALS
IN AND FOR THE CROW INDIAN RESERVATION
CROW AGENCY, MONTANA

IN RE THE MATTER OF:)
HUNTER CAROLINE OLD ELK (DOB 2-4-94),)
HAZE DAVID OLD ELK (DOB 2-1-95))
)
KRIS L. JOHNSON,)
)
Plaintiff/Appellee,)
)
vs.)
)
DEVEREAUX J. OLD ELK,)
)
Defendant/Appellant.)

CIV. APP. DOCKET NO.010-147

**ORDER
DISMISSING
APPEAL**

Devereaux Old Elk filed this appeal on January 12, 2001, from the Order for Child Support entered by the Tribal court (Big Hair, C.J.) on January 8, 2001, which ordered Mr. Old Elk to pay child support to plaintiff Kris Johnson in the amount of \$150 per month per child, for a total of \$300 per month.

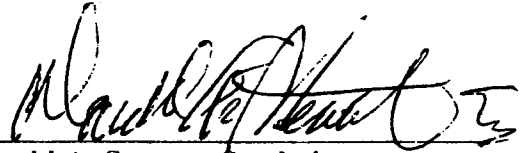
Other than filing his notice of appeal, Devereaux has done absolutely nothing to prosecute this appeal. By order of this court, Appellee Johnson duly filed a Statement of Proceedings which was approved by the Tribal Court on March 6, 2001. According to that same scheduling order, Mr. Old Elk's brief or statement in support of his appeal was to be filed within 15 days after receipt of the Statement. When that deadline passed, this court issued an Order to File Appellant's Brief by May 21, 2001. That Order also explained that without a statement from the Appellant explaining why he believes that the Tribal Court's order was in error, "this court has no choice but to dismiss the appeal." When the May 21 deadline also came and went without any filing by Mr. Old Elk, this court issued an Order to Show Cause directing Mr. Old Elk to file his brief on or before June 25, 2001, and to explain in writing why his appeal should not be dismissed for failure to prosecute. Mr. Old Elk also has missed that deadline, and has not

filed any request for extension or indicated in any way that he still wishes to pursue this appeal.

Now, therefore.

IT IS HEREBY ORDERED that Devereaux Old Elk's appeal in this case is **DISMISSED** with prejudice for failure to prosecute. No costs.

DONE AND DATED this 13th day of ~~August~~ ^{September}, 2001.



Donald A. Stewart, Sr., Judge



Albert L. Gros-Ventre, Judge



William C. Watt, Judge