

**IN THE APPELLATE COURT
OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD NATION, PABLO, MONTANA**

DAMIEN EINSPHAHR,)	Cause No. AP-17-603-G
)	
Appellant,)	ORDER DISMISSING APPEAL
)	
vs.)	
)	
DONNA JOSEPH,)	
)	
Appellee.)	
)	

Damien Einspahr appeals the lower court’s final order dated January 3, 2018. 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, must be met in order for this Court to be able to hear a case. 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 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. Einspahr 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. The trial court record was not transferred to the Appellate Court.

The record should have been transferred to the Appellate Court by April 5, 2018 and no record has been transferred. The appellant has failed to pursue his appeal. Without a record, the Appellate Court cannot proceed with this appeal.

This Court is left with no choice but to dismiss this appeal.

ORDER

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

IT IS SO ORDERED this 2ND day of July, 2019.



Eldena N. Bear Dont Walk, LLM

ELDEN A. BEAR DON'T WALK, LLM

Chief Justice, Appellate Court

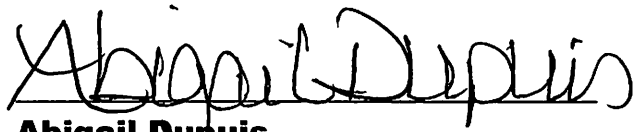
Certificate of Mailing

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, MT this 5th day of July, 2019.

**Damien Einspahr
219 Fourth Avenue SE
Ronan, MT 59864**

**Donna Joseph
PO Box 153
Elmo, MT 59915**

**Chelsi Camel
Clerk of the Tribal Court
PO Box 278
Pablo, MT 59855**


**Abigail Dupuis
Appellate Court Administrator**