

## BEFORE THE INDIAN CLAIMS COMMISSION

THE MIAMI TRIBE OF OKLAHOMA, also	)	
known as THE MIAMI TRIBE, et al.,	)	Docket No. 253
	)	
Plaintiffs,	)	
	)	
IRA SYLVESTER GODFREY, WILLIAM ALLOLLA	)	
GODFREY, JOHN A. OWENS, on relation	)	
of THE MIAMI INDIAN TRIBE AND MIAMI	)	
TRIBE OF INDIANA, and each on behalf	)	
of others similarly situated and on	)	
behalf of THE MIAMI INDIAN TRIBE and	)	
various bands and groups of each of	)	
them, comprising the MIAMI TRIBE AND	)	
NATION,	)	Docket No. 131
Plaintiffs,	)	
	)	
THE PEORIA TRIBE OF INDIANS OF OKLAHOMA	)	
and AMOS ROBINSON SKYE on behalf of	)	
the WEA NATION,	)	Docket No. 314-D
	)	
Plaintiffs,	)	
v.	)	
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

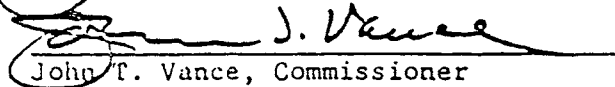
ORDER DENYING MOTION FOR AN EXTENSION OF TIME FOR FILING APPEAL

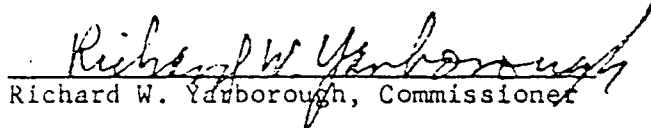
Upon consideration of the motion filed on July 20, 1970, by plaintiffs in Docket No. 131 for an extension of time for filing an appeal from the amended Final Award of January 8, 1970, and from the order denying the motion for severance and reconsideration dated March 18, 1970, in the above-captioned matter, and upon consideration of the responses thereto and the briefs of the parties, the Commission has concluded that the motion should be denied. An extension of time for filing an appeal from a Commission determination may be allowed under Rule 171(a)(1) and (2) of the Rules of the Court of Claims only upon a showing of excusable neglect based upon the failure of a party to learn of the filing of the determination involved. There is no such showing here. As both the original time for filing an appeal, 3 months after the Commission's March 18, 1970, determination was filed, and the 30 days thereafter, during which an extension might have been allowed under the Court of Claims' rules, had expired when the motion was filed, the Commission is without jurisdiction to allow the extension.

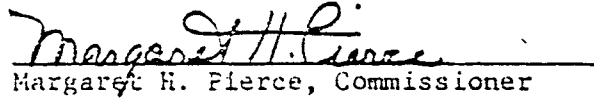
IT IS ORDERED, therefore, that the motion by the plaintiffs in Docket No. 131 for an extension of time for filing an appeal be and the same is hereby denied.

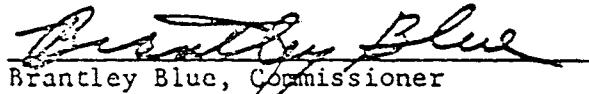
Dated at Washington, D. C., this 9<sup>th</sup> day of September, 1970.

  
Jerome K. Kuykendall, Chairman

  
John T. Vance, Commissioner

  
Richard W. Yarbrough, Commissioner

  
Margaret H. Pierce, Commissioner

  
Brantley Blue, Commissioner