

Appellate Court
Fort Peck Indian Reservation
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Fort Peck Tribal Court
of Appeals

**FORT PECK COURT OF APPEALS
ASSINIBOINE AND SIOUX TRIBES
FORT PECK INDIAN RESERVATION
POPLAR, MONTANA**

Lynett Yellow Owl, Appellant,	CAUSE NO. AP #828
vs.	ORDER DENYING REVIEW
Lindy Crow, Appellee.	

¶ 1 This matter came before the Fort Peck Appellate Court on a Notice of Appeal filed November 30, 2021 challenging the Tribal Court's Eviction Order issued on November 19, 2021. Appellant submits that the Tribal Court does not have jurisdiction to evict a tenant from a Fort Peck Housing Authority unit based on the application of another tenant.

¶ 2 Appellant and Appellee were both residents at 918 11th Ave. NE, Poplar, MT 59201. An Amendment to Dwelling Lease was issued by the Fort Peck Housing Authority for the unit on September 21, 2021. The Amendment to the Lease lists Appellee as an occupant of the household but does not list Appellant.

¶ 3 On September 21, 2021, Appellee served an eviction notice on Appellant pursuant to 15 CCOJ 202. The Comprehensive Code of Justice, Title 15, states that, "A person may be evicted:...(4) who occupies any premises without permission or agreement, following reasonable written demand to leave by a person in authority over the premises." 15 CCOJ 201(a)(4). The Code does not require that the landlord, who in this case would be the Fort Peck Housing Authority, pursue the eviction.

¶ 4 The Tribal Court made particular findings to support its Eviction Order according to the law. Nothing in the notice of appeal sufficiently demonstrates any abuse of discretion or misapplication of law occurred in connection with the lower court's Order of Eviction. Although this Court reviews de novo all determinations of the lower court on matters of law, it does not set aside any factual determinations of the Tribal Court if such determinations are supported by substantial evidence. 2 CCOJ §202. In this matter, the Tribal Court set out sufficient factual findings in its Order to justify its decision.

ORDER

¶ 5 The Appellant has failed to raise any legally sufficient issue demonstrating misapplication of law or abuse of discretion to support appellate review. Since appellate review in civil matters is discretionary, 2

CCOJ §207(b), Appellant's Petition for Review is hereby DENIED based on the insufficiency of the appeal to identify reviewable grounds or issues based on applicable standards of review.

SO ORDER this 31st day of January 2022.

FORT PECK COURT OF APPEALS



Erin Shanley, Chief Justice



Associate Justice



Associate Justice