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FORT PECK  
TRIBAL COURT OF APPEALS

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

<p>Cheryl Melbourne, Appellant</p> <p>v.</p> <p>Fort Peck Housing Authority, Appellees.</p>	<p>CAUSE NO. AP # 843</p> <p>ORDER DENYING REVIEW</p>
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Appeal from the Fort Peck Tribal Court Stacie Fourstar, Presiding Judge.  
Before E. Shanley, Chief Justice and B.J. Jones, Associate Justice.

**BACKGROUND**

¶ 1 This matter comes before the Fort Peck Court of Appeals (FPCOA) on a Petition for Review filed by Appellant on September 29, 2022. Appellant requests review of the Tribal Court Order of Eviction issued by the Honorable Chief Judge Stacie Fourstar on September 19, 2022. In support of her Petition for Review, Appellant claims that she received contradicting information from the Fort Peck Housing Authority (FPHA) and that her utilities were turned off by the FPHA while she was still residing in the house. Appellant further files a Motion to Stay the Tribal Court Order of Eviction after that a Stay from the Tribal Court was vacated on October 13, 2022.

¶ 2 Nothing in the Notice of Appeal sufficiently demonstrates any abuse of discretion or misapplication of law occurred in connection with the Tribal 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. For issues of fact, this Court grants the Tribal Court considerable deference as the finder of fact.

¶ 3 In this matter, the Tribal Court set out sufficient factual findings in its Order of Eviction to justify its decision. In order to accept a matter for review the notice must demonstrate a sufficient error occurred at the lower court level. Here, Appellant fails to raise any issues which would warrant appellate review.

#### **ORDER**

¶ 4 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.

¶ 5 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that this Court declines to review this matter.

SO ORDERED the 10th day of January 2023.

FORT PECK COURT OF APPEALS

  
Erin Shanley, Chief Justice

*B. J. Jones*

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Associate Justice