



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS

Hearings Division
6432 Federal Building
Salt Lake City, Utah 84138
(Phone: 801-524-5344)

April 26, 1995

ORDER

DANIEL H. RUSSELL, : NV-04-94-02 and NV-04-94-03
 : (IBLA 94-626)
 Appellant :
 : Appeal from the Area Manager's Full
 v. : Force and Effect Decision issued
 : March 14, 1994, Egan Resource Area,
 BUREAU OF LAND MANAGEMENT, : Ely District, Nevada
 :
 Respondent :

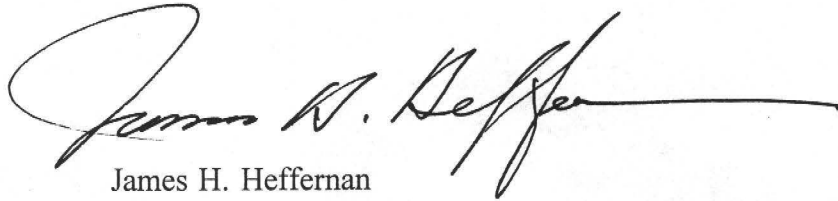
Proceedings Dismissed

The respondent's Motion to Dismiss Docket Numbers NV-4-94-02 and NV-4-94-03 (IBLA 94-626) for lack of continued standing is hereby granted. Exhibit A to respondent's referenced Motion clearly establishes that appellant Russell's ownership of the subject base property for the Warm Springs allotment was terminated by a Trustee's Sale on or about October 25, 1994, and the base property was purchased at that sale by appellant Metropolitan Life Insurance.

Pursuant to the provisions of 43 CFR 4110.2-1(d), when appellant Russell lost ownership of the base property pursuant to the Trustee's Sale, he also immediately and automatically lost his Federal permit or lease by operation of the referenced regulatory provision. Consequently, appellant Russell no longer has standing to pursue this appeal, and the respondent's Motion, based upon the referenced jurisdictional grounds, is hereby granted. *Colorado Open Space Council and Sierra Club v. Bureau of Land Management*, 109 IBLA 274 (1989).

It is noted that the other still pending appeals in this matter remain jurisdictionally unaffected by this Order, and, consequently, Docket Numbers NV-04-94-04, NV-04-94-05,

and NV-04-94-06, remain set for hearing, as previously scheduled, for Monday, May 15, 1995, at 1:30 P.M. in Ely, Nevada, at the Bristlecone Convention Center.



James H. Heffernan
Administrative Law Judge

Distribution

By Certified Mail:

Thomas S. Van Horne, Esq.
Russell Land & Cattle Company
2991 B Gold Canal Drive
Rancho Cordova, California 95670

John R. Payne, Esq.
Office of the Regional Solicitor
U.S. Department of the Interior
2800 Cottage Way, Room E-2753
Sacramento, California 95825-1980

By Regular Mail:

Catherine Barcomb
Executive Director
Commission for the Preservation of Wild Horses
255 W. Moana Lane
Reno, Nevada 89509

Metropolitan Life Insurance Co
Agricultural Investments
Western Branch Office
Santa Cruz Building
7100 N. Financial Drive, Suite 105
Fresno, California 93720-2900

W. Alan Schroeder, Esq.
P.O. Box 267
Boise, Idaho 83701