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70-4

IN THE

SUPREME COURT OF THE UNITED STATES

October Term 1970

No. [REDACTED]

Supreme Court, U.S.

FILED

SEP 17 1970

E. ROBERT SEAVER, CLERK

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SALLY M. REED,

Appellant,

v.

CECIL R. REED, Administrator, In the Matter of the  
Estate of Richard Lynn Reed, Deceased.

Appellee.

---

Appeal from the Supreme Court  
of the State of Idaho

---

MOTION TO DISMISS APPEAL

---

MYRON E. ANDERSON  
601 Idaho Building  
Boise, Idaho 83702

CHARLES S. STOUT  
608 Idaho Building  
Boise, Idaho 83702

ATTORNEYS FOR APPELLEE

IN THE  
SUPREME COURT OF THE UNITED STATES  
October Term 1970  
No. 430

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SALLY M. REED,

Appellant,

v.

CECIL R. REED, Administrator, In the Matter of  
the Estate of Richard Lynn Reed, Deceased.

Appellee.

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Appeal from the Supreme Court  
of the State of Idaho

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MOTION TO DISMISS APPEAL

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Pursuant to Rule 16 of the Rules of the Supreme Court of the United States, appellee moves to dismiss the appeal in the above entitled action upon the following grounds:

I.

That the right to be appointed administrator of

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a decedent's estate in Idaho is limited to residents of Idaho and is not a right protected by the Fourteenth Amendment to the Constitution of the United States.

Idaho Code, Sec. 15-317

## II.

That the question involved is one of probate procedure in the administration of a decedent's estate, and is not a matter within the jurisdiction of this Court.

Idaho Code, Sec. 1-1201.

Idaho Code, Sec. 1-1202 as amended by  
1965 Idaho Session Laws, Ch. 167, p.328.

Idaho Code, Sec. 1-1203.

O'Callaghan v. O'Brien, 199 U.S. 89 (1905).

Sutton v. English, 246 U.S. 199 (1918).

Markham v. Allen, 326 U.S. 490 (1946).

Note 158 ALR, p. 62

Federal Practice and Procedure,  
32 Am Jur. 2d. p. 435, Sec. 32.

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III.

That for the reasons hereinbefore set forth, the judgment rests on an adequate, non-Federal basis.

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