

IN THE UTAH COURT OF APPEALS

----ooOoo----

Hussein Mogolo,	)	PER CURIAM DECISION	
	)		
Petitioner and Appellant,	)	Case No. 20120032-CA	
	)		
v.	)	F I L E D	
	)	(April 12, 2012)	
Rukia Abdulla,	)		
	)		
Respondent and Appellee.	)	<table border="1"><tr><td>2012 UT App 111</td></tr></table>	2012 UT App 111
2012 UT App 111			

-----

Third District, Salt Lake Department, 104904254  
The Honorable Joseph C. Fratto Jr.

Attorneys: Hussein Mogolo, Salt Lake City, Appellant Pro Se  
Rukia Abdulla, Houston, Texas, Appellee Pro Se

-----

Before Judges Voros, Orme, and Roth.

¶1 Hussein Mogolo appeals the district court’s final order, which was entered on December 12, 2011. This matter is before the court on its own motion for summary disposition based upon lack of jurisdiction due to Mogolo’s failure to file a timely notice of appeal. *See* Utah R. App. P. 4(a).

¶2 A notice of appeal must be filed “with the clerk of the trial court within 30 days after the date of entry of the judgment or order appealed from.” *Id.* If an appeal is not timely filed, this court lacks jurisdiction to hear the appeal and must dismiss. *See Serrato v. Utah Transit Auth.*, 2000 UT App 299, ¶ 7, 13 P.3d 616.

¶3 The district court entered its final order on December 12, 2011. Therefore, Mogolo was required to file his notice of appeal within thirty days of that date, i.e.,

January 11, 2012. However, Mogolo did not file his notice of appeal until January 12, 2012. Thus, the notice of appeal was untimely. Because Mogolo did not timely file his notice of appeal, this court lacks jurisdiction to hear the appeal and has no choice but to dismiss it. *See Varian-Eimac, Inc. v. Lamoreaux*, 767 P.2d 569, 570 (Utah Ct. App. 1989).

¶4 The appeal is dismissed.

---

J. Frederic Voros Jr.,  
Associate Presiding Judge

---

Gregory K. Orme, Judge

---

Stephen L. Roth, Judge