

IN THE UTAH COURT OF APPEALS

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In the matter of the Estate of)	MEMORANDUM DECISION
Charlie Reynolds Jr.)	(Not For Official Publication)
_____)	
)	Case No. 20080038-CA
Toya Jeff Reynolds,)	
)	
Appellant,)	F I L E D
)	(October 23, 2008)
)	
v.)	2008 UT App 379
)	
George R. Handy and State of)	
Utah,)	
)	
Appellees.)	

Second District, Ogden Department, 063900232
The Honorable Pamela G. Heffernan

Attorneys: Toya Jeff Reynolds, Draper, Appellant Pro Se

Before Judges Thorne, Bench, and Orme.

PER CURIAM:

Toya Jeff Reynolds appeals the trial court's decision entered on December 27, 2007. We affirm.

Reynolds asserts that the district court erred by failing to act on his motion for preliminary injunction that was filed nearly one year after the underlying case had been fully resolved. Rule 65A of the Utah Rules of Civil Procedure provides that a preliminary injunction should be issued in situations where, among other things, the applicant will suffer irreparable harm unless a temporary injunction is immediately entered. See Utah R. Civ. P. 65A(e). Additionally, in order for a preliminary injunction to issue, there must be a substantial likelihood that the applicant will prevail on the merits of the underlying claim in the subsequent trial. See *id.*

Reynolds filed his application for preliminary injunction after the underlying matter had been fully resolved and his subsequent appeal had been dismissed as it was untimely. There was no basis for the preliminary injunction as the case had been

fully adjudicated and resolved in favor of the State. Thus, the district court did not err by failing to take action on the improperly filed motion for preliminary injunction.

Affirmed.

William A. Thorne Jr.,
Associate Presiding Judge

Russell W. Bench, Judge

Gregory K. Orme, Judge