

IN THE UTAH COURT OF APPEALS

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William Sherratt,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Petitioner and Appellant,)	
)	Case No. 20080028-CA
v.)	
)	F I L E D
Board of Pardons,)	(March 27, 2008)
)	
Respondent and Appellee.)	2008 UT App 108

Third District, Salt Lake Department, 060907262
The Honorable Paul G. Maughan

Attorneys: William Sherratt, Draper, Appellant Pro Se

Before Judges Greenwood, Thorne, and Billings.

PER CURIAM:

William Sherratt appeals the district court's order entered December 11, 2007. This matter is before the court on its own motion for summary disposition for lack of jurisdiction due to the absence of a final order.

Generally, "[a]n appeal is improper if it is taken from an order or judgment that is not final." Bradbury v. Valencia, 2000 UT 50, ¶ 9, 5 P.3d 649. The only exceptions to this requirement are where: (1) an appeal is permitted under the circumstances by statute; (2) the appellate court grants interlocutory appeal under rule 5 of the Utah Rules of Appellate Procedure; or (3) the trial court certifies the order as final under rule 54(b) of the Utah Rules of Civil Procedure. See id. ¶ 12.

Sherratt concedes that he appeals from an interlocutory order. However, Sherratt elected not to file a petition for permission to appeal an interlocutory order as required by rule 5 of the Utah Rules of Appellate Procedure. See Utah R. App. P. 5.

Thus, this court lacks jurisdiction and must dismiss the appeal. See Bradbury, 2000 UT 50, ¶ 8.¹

Accordingly, this appeal is dismissed.

Pamela T. Greenwood,
Presiding Judge

William A. Thorne Jr.,
Associate Presiding Judge

Judith M. Billings, Judge

1. Sherratt filed a motion to recuse Judges Greenwood, Thorne, Davis, Jackson, Billings, and Orme for bias, prejudice, and omission of duty. If this court lacks jurisdiction over an appeal, it has only the authority to dismiss the action. See Varian-Eimac, Inc. v. Lamoreaux, 767 P.2d 569, 570 (Utah Ct. App. 1989). Because this court lacks jurisdiction over Sherratt's appeal, we are unable to rule on his motion to recuse.