

IN THE UTAH COURT OF APPEALS

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Corey Evan Vonberg,)	MEMORANDUM DECISION	
)	(Not For Official Publication)	
Plaintiff and Appellant,)		
)	Case No. 20100318-CA	
v.)		
)		
<u>Honorable G. Michael Westfall,</u>)	F I L E D	
Mark Gower, Jody Edwards,)	(July 15, 2010)	
Scott Garrett, and Troy)		
Little,)	<table border="1"><tr><td>2010 UT App 193</td></tr></table>	2010 UT App 193
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Defendant and Appellee.)		

Fifth District, Cedar City Department, 090500037
The Honorable G. Michael Westfall

Attorneys: Corey Evan Vonberg, Draper, Appellant Pro Se
Brent M. Johnson, Salt Lake City, for Appellee

Before Judges Davis, McHugh, and Roth.

PER CURIAM:

Corey Evan Vonberg filed a notice of appeal asserting various claims against Judge G. Michael Westfall. This matter is before the court on a sua sponte motion for summary disposition. We dismiss the appeal for lack of jurisdiction.

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. Indeed, this court lacks jurisdiction to consider an appeal unless it is taken from a final, appealable order. See id. ¶ 8. For an order to be a final, appealable order, the order must "dispose of all parties or claims to an action." Id. ¶ 10. The only exceptions to the final judgment rule 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.

Vonberg's notice of appeal does not specify an order that he seeks to appeal. The record indicates that the district court has not issued a final, appealable order. Furthermore, Vonberg fails to demonstrate that this matter qualifies for any exception to the final judgment rule. Thus, we are required to dismiss the appeal for lack of jurisdiction. See id.

Accordingly, the appeal is dismissed without prejudice to the filing of a timely appeal from a final order.¹

James Z. Davis,
Presiding Judge

Carolyn B. McHugh,
Associate Presiding Judge

Stephen L. Roth, Judge

¹In response to the sua sponte motion for summary disposition, Vonberg asserts that this court should issue a writ compelling the district court "to perform its duties correctly." However, we determine that the district court complied with its duties set forth in Utah Code section 77-6-4. See Utah Code Ann. § 77-6-4 (2008).