

No. 89-624

IN THE SUPREME COURT OF THE STATE OF MONTANA

1990

IN THE MATTER OF THE CUSTODY OF A.O.,
M.O., and A.O., Minor Children,
PAMELA PIERRE,
Petitioner and Respondent,

-v-

DAVID L. OSBORN,
Respondent and Appellant.

APPEAL FROM: District Court of the Eighteenth Judicial District,
In and for the County of Gallatin,
The Honorable Larry W. Moran, Judge presiding.

COUNSEL OF RECORD:

For Appellant:

Stuart R. Whitehair, Bozeman, Montana

For Respondent:

James D. McKenna, Bozeman, Montana

Submitted on Briefs: March 29, 1990

Decided: April 12, 1990



Clerk

FILED

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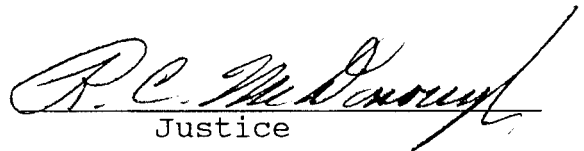
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SUPREME COURT

Justice R. C. McDonough delivered the Opinion of the Court.

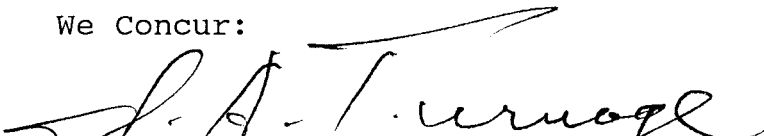
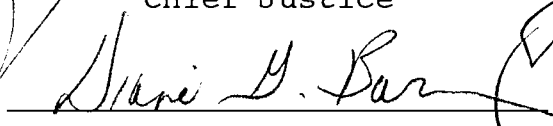
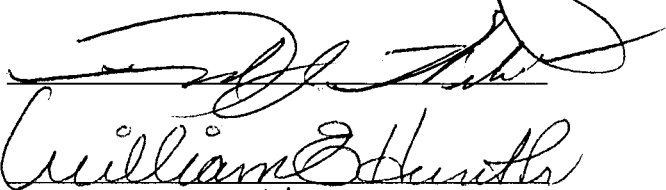
David L. Osborn appeals from an order of the Eighteenth Judicial District, Gallatin County, denying his motion to dismiss for lack of jurisdiction under the Uniform Child Custody Jurisdiction Act. Sections 40-7-101, et seq.

On reviewing the record, the Court concludes that the District Court's order is not an appealable order, and therefore this appeal should be dismissed. Rule 1(b), M.R.App.P., enumerates the specific matters which can be appealed from District Court. The order appealed from in this case merely denied a motion to dismiss. An order denying a motion to dismiss is not included within the appealable orders specified in Rule 1, M.R.App.P. There is therefore no support for this appeal; accordingly it is dismissed. Let the remittitur issue forthwith.

Pursuant to Section I, Paragraph 3(c), Montana Supreme Court 1988 Internal Operating Rules, this decision shall not be cited as precedent and shall be published by its filing as a public document with the Clerk of this Court and by a report of its result to the West Publishing Company.


Justice

We Concur:


Chief Justice


Justices