

IN THE UTAH COURT OF APPEALS

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Jacob E. Vigil,)	PER CURIAM DECISION
)	
Petitioner and Appellant,)	Case No. 20111083-CA
)	
v.)	FILED
)	(March 29, 2012)
Alfred Bigelow, Warden,)	
)	
Respondent and Appellee.)	2012 UT App 91

Third District, Salt Lake Department, 110918781
The Honorable Joseph C. Fratto Jr.

Attorneys: Jacob E. Vigil, Draper, Appellant Pro Se

Before Judges McHugh, Davis, and Christiansen.

¶1 Jacob E. Vigil seeks to appeal the district court’s minute entry of November 16, 2011, denying his motion for a temporary restraining order without prejudice. This matter is before the court on its own motion for summary disposition on the basis that the grounds for review are so insubstantial as not to merit further proceedings and consideration by the court. *See* Utah R. App. P. 10.

¶2 The district court’s jurisdiction is invoked by properly filing a civil complaint or petition for extraordinary relief. *See* Utah R. Civ. P. 3(b) (stating that “[t]he court shall have jurisdiction from the time of filing of the complaint or service of the summons and a copy of the complaint”); *Mellor v. Cook*, 587 P.2d 882, 884 (Utah 1979) (stating that prior to providing any injunctive relief, the jurisdiction of the court must be invoked by initiation of an action). Vigil did not file a complaint or a petition for extraordinary relief that would potentially invoke the district court’s jurisdiction. Instead, he merely

filed a motion for a temporary restraining order unattached to any underlying case. This filing, by itself, was insufficient to invoke the district court's jurisdiction. Accordingly, the district court properly denied the motion for a temporary restraining order as premature.

¶3 Affirmed.

Carolyn B. McHugh,
Presiding Judge

James Z. Davis, Judge

Michele M. Christiansen, Judge