

IN THE UTAH COURT OF APPEALS

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Jacob Mut Bolith,	)	PER CURIAM DECISION	
	)		
Petitioner and Appellant,	)	Case No. 20110218-CA	
	)		
v.	)	F I L E D	
	)	(April 21, 2011)	
State of Utah,	)		
	)		
Respondent and Appellee.	)	<table border="1"><tr><td>2011 UT App 126</td></tr></table>	2011 UT App 126
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Third District, Salt Lake Department, 090905600  
The Honorable Robin W. Reese

Attorneys:    Jacob Mut Bolith, Manti, Appellant Pro Se  
                  Mark L. Shurtleff and Brett J. Delporto, Salt Lake City,  
                  for Appellee

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Before Judges Orme, Roth, and Christiansen.

¶1    Jacob Mut Bolith seeks to appeal the district court’s September 30, 2011 order dismissing his petition for post-conviction relief. This matter is before the court on a sua sponte motion for summary disposition for lack of jurisdiction. We dismiss the appeal.

¶2    Rule 4 of the Utah Rules of Appellate Procedure requires that a notice of appeal be filed within thirty days of the entry of the final order or judgment appealed. *See* Utah R. App. P. 4(a). If a notice of appeal is not timely filed, this court lacks jurisdiction to consider the appeal. *See Serrato v. Utah Transit Auth.*, 2000 UT App 299, ¶ 7, 13 P.3d 616. If the court lacks jurisdiction over an appeal, it has only the authority to dismiss the appeal. *See Varian-Eimac, Inc. v. Lamoreaux*, 767 P.2d 569, 570 (Utah Ct. App. 1989).

¶3 On September 30, 2010, the district court entered a final order dismissing Bolith's petition for post-conviction relief. On February 15, 2011, Bolith filed a notice of appeal seeking to appeal the September 30, 2010 order dismissing his petition for post-conviction relief. Because the notice of appeal was not timely filed, this court lacks jurisdiction to consider the appeal. *See Serrato*, 2000 UT App 299, ¶ 7. Thus, we are required to dismiss the appeal for lack of jurisdiction. *See Varian-Eimac, Inc.*, 767 P.2d at 570.

¶4 Accordingly, the appeal is dismissed.<sup>1</sup>

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Gregory K. Orme, Judge

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Stephen L. Roth, Judge

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Michele M. Christiansen, Judge

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<sup>1</sup>We note that Bolith previously appealed the district court's September 30, 2010 order dismissing his petition for post-conviction relief, which this court affirmed. *See Bolith v. State*, 2011 UT App 21, 674 Utah Adv. Rep. 21.