

IN THE UTAH COURT OF APPEALS

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Eddie Ray Bozarth Jr.,	)	PER CURIAM DECISION
	)	
Plaintiff and Appellant,	)	Case No. 20110411-CA
	)	
v.	)	F I L E D
	)	(August 18, 2011)
Richard Lee Kalles and Margaret Vose,	)	
	)	
Defendants and Appellees.	)	2011 UT App 277

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Fifth District, Cedar City Department, 100501011  
The Honorable John R. Anderson

Attorneys: Eddie Ray Bozarth Jr., Vernal, Appellant Pro Se  
Richard Lee Kalles and Margaret Vose, Cedar City, Appellees Pro Se

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Before Judges Orme, Voros, and Roth.

¶1 Plaintiff Eddie Ray Bozarth Jr. appeals the dismissal of a civil complaint for failure to state a claim for relief. We dismiss the appeal for lack of jurisdiction.

¶2 At a hearing on pending motions, the district court announced the dismissal of the complaint in an unsigned minute entry dated April 12, 2011. Bozarth filed a notice of appeal from the “dismissal of this case for failure to state a claim for which relief may be granted.” No signed order of dismissal has been entered in the underlying case.

¶3 An appeal may be taken from the final judgment of a district court by filing a notice of appeal within thirty days after the date of entry of the judgment being appealed. *See Utah R. App. P. 4(a)*. A judgment is entered when it is signed by the judge and filed with the clerk. *See Utah R. Civ. P. 58A(c)*. It is well-established that an

unsigned minute entry is not a final judgment for purposes of appeal. *See Ron Shepard Ins. v. Shields*, 882 P.2d 650, 653 (Utah 1994) (stating that it is well settled that an unsigned minute entry does not constitute an entry of judgment, nor is it a final judgment for purposes of appeal); *Sather v. Gross*, 727 P.2d 212, 213 (Utah 1986) (per curiam) (“An unsigned minute entry does not constitute a final judgment for purposes of appeal, and this Court has no jurisdiction to consider the merits of plaintiff’s appeal.”); *Utah State Tax Comm’n v. Erekson*, 714 P.2d 1151, 1152 (Utah 1986) (per curiam) (“We have consistently held that a minute entry unsigned by the court . . . does not constitute a final, appealable order.”); *see also Giusti v. Sterling Wentworth Corp.*, 2009 UT 2, ¶ 35, 201 P.3d 966 (stating that it is the entry of a final order in accordance with rule 7 of the Utah Rules of Civil Procedure that triggers the appeal period).

¶4 Because this appeal is taken from an unsigned minute entry, we lack jurisdiction to consider it. Once a court has determined that it lacks jurisdiction, it “retains only the authority to dismiss the action.” *Varian-Eimac, Inc. v. Lamoreaux*, 767 P.2d 569, 570 (Utah Ct. App. 1989). Accordingly, we dismiss the appeal for lack of jurisdiction without prejudice to a timely appeal filed after the entry of a final order.

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Gregory K. Orme, Judge

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J. Frederic Voros Jr., Judge

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Stephen L. Roth, Judge