

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest)	MEMORANDUM DECISION
of M.J. and D.S., persons)	(Not For Official Publication)
under eighteen years of age.)	
_____)	Case No. 20080188-CA
)	
A.J. and J.J.,)	F I L E D
)	(April 17, 2008)
Appellants,)	
)	2008 UT App 136
v.)	
)	
State of Utah,)	
)	
Appellee.)	

Second District Juvenile, Ogden Department, 529388
The Honorable Paul F. Iwasaki

Attorneys: Travis R. Marker, Ogden, for Appellants
Mark L. Shurtleff, Carol L.C. Verdoia, and John M.
Peterson, Salt Lake City, for Appellee
Martha Pierce, Salt Lake City, Guardian Ad Litem

Before Judges Bench, Davis, and Orme.

PER CURIAM:

A.J. and J.J. (Grandparents) appeal the juvenile court's order entered after a permanency hearing that denied placement of their grandchildren with them. We dismiss the appeal.

Rule 55(a) of the Utah Rules of Appellate Procedure provides that the petition on appeal shall be filed with the appellate clerk within fifteen days of the filing of the notice of appeal or the appeal shall be dismissed. See Utah R. App. P. 55(a). Grandparents timely filed their notice of appeal on March 4, 2008. Thus, Grandparents' petition on appeal was required to be filed no later than March 19, 2008. Grandparents concede that their petition on appeal was not timely filed.

Grandparents filed a motion for an extension of time to file their petition on appeal. However, rule 59(b) of the Utah Rules of Appellate Procedure provides that a motion for an extension of

time to file a petition on appeal must be filed prior to the expiration of the time for which the extension is sought. See id. R. 59(b). We are powerless to suspend this requirement. See id. R. 2. Grandparents' petition, and therefore any motion for extension, was due on or before March 19, 2008. The motion for extension was filed on March 21, 2008, two days after the petition was due. Thus, under rule 59(b), the motion was untimely. See id. R. 59(b). Because the petition on appeal was not timely filed, "the appeal shall be dismissed." Id. R. 55(a).

Accordingly, this appeal is dismissed.

Russell W. Bench, Judge

James Z. Davis, Judge

Gregory K. Orme, Judge