

IN THE UTAH COURT OF APPEALS

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T.S.,	)	MEMORANDUM DECISION
	)	(Not For Official Publication)
Petitioner and Appellant,	)	
	)	Case No. 20051181-CA
v.	)	
	)	F I L E D
J.S.,	)	(March 16, 2006)
	)	
Respondent and Appellee.	)	<span style="border: 1px solid black; padding: 2px;">2006 UT App 109</span>

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Third District Juvenile, Salt Lake Department, 425804  
The Honorable Christine S. Decker

Attorneys: Lisa B. Lokken, Salt Lake City, for Appellant  
Brent R. Chipman, Salt Lake City, for Appellee

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Before Judges Bench, Greenwood, and Billings.

PER CURIAM:

T.S. seeks to appeal an order entered by the juvenile court. This case is before the court on its own motion for summary dismissal for lack of jurisdiction.

The juvenile court entered an "Order on Objection and Appeal and Motion for Correction" on November 8, 2005 (the Order). T.S. filed a pro se notice of appeal from the Order on December 28, 2005. A notice of appeal must "be filed with the clerk of the trial court within thirty days after the date of entry of the judgment or order appealed." Utah R. App. P. 4(a). T.S.'s notice of appeal was filed fifty days after entry of the Order and was therefore untimely. See id.

Further, the exclusive procedure for extending the time for filing a notice of appeal lies under rule 4(e). See Glezos v. Frontier Invs., 896 P.2d 1230, 1235 (Utah Ct. App. 1995). Rule 4(e) provides that the trial court, "upon a showing of excusable neglect or good cause, may extend the time for filing a notice of appeal upon motion filed not later than 30 days" after the expiration of the time prescribed by rule 4(a). Utah R. App. P. 4(e). T.S. filed no such motion in the juvenile court, and this court cannot consider such motions, or grant such extensions, on

appeal. See Glezos, 896 P.2d at 1233; State ex rel. M.S., 781 P.2d 1287, 1289 (Utah Ct. App. 1989).

"If an appeal is not timely filed, this court lacks jurisdiction to hear the appeal." Serrato v. Utah Transit Auth., 2000 UT App 299, ¶7, 13 P.3d 616. Once a court determines 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, this appeal is dismissed.

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Russell W. Bench,  
Presiding Judge

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Pamela T. Greenwood,  
Associate Presiding Judge

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Judith M. Billings, Judge