

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest)	MEMORANDUM DECISION
of V.B., K.B., L.B., and I.B.,)	(Not For Official Publication)
persons under eighteen years)	
of age.)	Case No. 20060376-CA
_____)	
)	
V.B.,)	F I L E D
)	(June 15, 2006)
)	
Appellant,)	2006 UT App 251
)	
v.)	
)	
State of Utah,)	
)	
Appellee.)	

Third District Juvenile, Salt Lake Department, 434559
The Honorable Charles D. Behrens

Attorneys: Julie George, Salt Lake City, for Appellant
Mark L. Shurtleff and John M. Peterson, Salt Lake
City, for Appellee
Martha Pierce and Brent J. Newton, Salt Lake City,
Guardians Ad Litem

Before Judges Billings, McHugh, and Orme.

PER CURIAM:

V.B. (Father) appeals the termination of his parental rights in V.B. and K.B. We dismiss the appeal.

On April 24, 2006, Father filed a timely notice of appeal from the juvenile court termination order. Pursuant to rule 55(a), Father's petition on appeal was due no later than fifteen days from the filing of the notice of appeal. See Utah R. App. P. 55(a). Thus, Father's petition was required to be filed no later than May 9, 2006.

Father's petition on appeal was filed on May 16, 2006, seven days after its due date under rule 55(a). Rule 55(a) provides

that if a petition on appeal is not timely filed, "the appeal shall be dismissed." Id. Accordingly, we must dismiss the appeal.

Father realized his petition was untimely and therefore filed with the petition a motion for an extension of time to file the petition on appeal. However, the motion for extension of time was also untimely. Any request for an extension of time to file a petition on appeal must be made prior to the expiration of the time to file. See Utah R. App. P. 59(b). Additionally, the timing requirements of rule 59 cannot be suspended by this court. See Utah R. App. P. 2 (excepting rule 59 from suspension of rules). As a result, Father's motion for an extension cannot be considered by the court.

Dismissed.

Judith M. Billings, Judge

Carolyn B. McHugh, Judge

Gregory K. Orme, Judge