

IN THE UTAH COURT OF APPEALS

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Kathleen Elizabeth Compton,	)	MEMORANDUM DECISION
	)	(Not For Official Publication)
Petitioner and Appellee,	)	
	)	Case No. 20090982-CA
v.	)	
	)	F I L E D
Joseph Alden Compton,	)	(January 28, 2010)
	)	
Respondent and Appellant.	)	<span style="border: 1px solid black; padding: 2px;">2010 UT App 15</span>

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Fourth District, Nephi Department, 094600061  
The Honorable Donald J. Eyre Jr.

Attorneys: Joseph Alden Compton, Rocky Ridge, Appellant Pro Se  
David O. Leavitt, Orem, for Appellee

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Before Judges Davis, Thorne, and Voros.

PER CURIAM:

Joseph Alden Compton sought to appeal an order of temporary custody and support, which was entered by the district court on October 29, 2009. This matter is before the court on its own motion for summary disposition. In response to the sua sponte motion, Joseph Compton filed a motion to dismiss his own appeal. We dismiss the appeal for lack of jurisdiction.

This court does not have jurisdiction to consider an appeal unless it is taken from a final judgment or order, or qualifies for an exception to the final judgment rule. See Loffredo v. Holt, 2001 UT 97, ¶¶ 10, 15, 37 P.3d 1070. An order is final only if it disposes of the case as to all parties and "finally dispose[s] of the subject-matter of the litigation on the merits of the case." Bradbury v. Valencia, 2000 UT 50, ¶ 9, 5 P.3d 649 (internal quotation marks omitted).

Joseph Compton sought review of the district court's temporary order of custody and support. By its very nature, this is a temporary order that has not ended the controversy between the parties. Therefore, the judgment was not a final, appealable order, and we lack jurisdiction over this matter. See id. When this court lacks jurisdiction, it must dismiss the appeal. See Loffredo, 2001 UT 97, ¶ 11.

The appeal is dismissed without prejudice to the filing of a timely appeal after the district court enters a final, appealable order.

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James Z. Davis,  
Presiding Judge

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William A. Thorne Jr., Judge

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J. Frederic Voros Jr., Judge