

IN THE UTAH COURT OF APPEALS

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Orem City,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Plaintiff and Appellee,)	
)	Case No. 20050132-CA
v.)	
)	F I L E D
Willie Lee Dill,)	(August 11, 2005)
)	
Defendant and Appellant.)	2005 UT App 345

Fourth District, Orem Department, 995202553
The Honorable John C. Backlund

Attorneys: Willie Lee Dill, Salt Lake City, Appellant Pro Se

Before Judges Davis, Orme, and Thorne.

PER CURIAM:

Willie Lee Dill appeals from an unsigned minute entry ruling entered by the district court. This case is before the court on a sua sponte motion for summary dismissal on the basis that this court lacks jurisdiction to consider the appeal.

Dill previously filed an appeal from his sentence in the underlying case. This court determined that Dill's notice of appeal was not filed until nearly six months after entry of the latest judgment and sentence entered by the district court. Therefore, we dismissed the appeal. See Orem City v. Dill, 2004 UT App 371 (mem.).

Subsequent to the dismissal of that appeal, a review hearing was held by the district court. In an unsigned minute entry, the district court suspended Dill's jail time, recalled and suspended his monetary fine, and ordered his probation terminated successfully. Dill appeals from this order.

An "unsigned minute entry does not constitute a final order for purposes of appeal." State v. Jiminez, 938 P.2d 264, 265 (Utah 1997); see also State v. Crowley, 737 P.2d 198 (Utah 1987) (per curiam). Therefore, no final order exists from which to appeal and this court lacks jurisdiction to consider the appeal. See Utah R. App. P. 3(a). "When a matter is outside the court's

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 without prejudice to the filing of a timely notice of appeal from a final appealable order.¹

James Z. Davis, Judge

Gregory K. Orme, Judge

William A. Thorne Jr., Judge

¹Because this court lacks jurisdiction over this appeal, it is unable to rule on Dill's "motion to sway."