

IN THE UTAH COURT OF APPEALS

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Sandy City,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Plaintiff and Appellee,)	
)	Case No. 20070335-CA
v.)	
)	F I L E D
Jehovah Hendrickson,)	(August 2, 2007)
)	
Defendant and Appellant.)	2007 UT App 271

Third District, West Jordan Department, 061401075
The Honorable Stephen L. Roth

Attorneys: Jehovah Hendrickson, South Jordan, Appellant Pro Se
 Doug A. Johnson, Sandy, for Appellee

Before Judges Greenwood, Davis, and McHugh.

PER CURIAM:

Jehovah Hendrickson appeals the district court's denial of a motion to reinstate his appeal of convictions in a case originating in justice court. This appeal is before the court on a sua sponte motion for summary dismissal for lack of jurisdiction.

Hendrickson filed an appeal in Third District Court seeking a trial de novo following his conviction in the Sandy City Justice Court. The district court dismissed the appeal after Hendrickson failed to appear at the trial de novo. Hendrickson filed a motion to reinstate his appeal, which the district court denied in an unsigned minute entry. The minute entry did not direct the entry of a further order and none has been entered. Based upon a review of the record remanded to the justice court, we note that the district court's dismissal of the appeal from the justice court was also accomplished through an unsigned minute entry. Because the denial of the motion to reinstate Hendrickson's appeal from his justice court conviction was not incorporated in an order that was signed by the district court and entered by the clerk, we lack jurisdiction to consider this appeal. See State v. Crowley, 737 P.2d 198, 198 (Utah 1987) (per curiam)("An unsigned minute entry does not constitute a final

order for purposes of appeal."); Ahlstrom v. Anderson, 728 P.2d 979, 979 (Utah 1986) (per curiam) (stating appellate court cannot consider an appeal in the absence of a final order signed by the trial court).

Once a court has determined 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, we dismiss the appeal, without prejudice to a timely appeal filed after entry of a final, appealable judgment. Because we lack jurisdiction over the appeal, we also deny the request to appoint counsel on appeal.

Pamela T. Greenwood,
Associate Presiding Judge

James Z. Davis, Judge

Carolyn B. McHugh, Judge