

IN THE UTAH COURT OF APPEALS

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Lawrence M. Jackson,)	MEMORANDUM DECISION	
)	(Not For Official Publication)	
Plaintiff and Appellant,)		
)	Case No. 20070954-CA	
v.)		
)	F I L E D	
State of Utah,)	(January 17, 2008)	
)		
Defendant and Appellee.)	<table border="1"><tr><td>2008 UT App 18</td></tr></table>	2008 UT App 18
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Sixth District, Manti Department, 040600383
The Honorable Wallace A. Lee

Attorneys: Lawrence M. Jackson, Draper, Appellant Pro Se
Mark L. Shurtleff and Peggy E. Stone, Salt Lake City,
for Appellee

Before Judges Greenwood, Davis, and McHugh.

PER CURIAM:

Appellant Lawrence Jackson appeals the October 24, 2007 memorandum decision and order denying his motion for reconsideration. The State moves this court to summarily dispose of this appeal.

In July 2007, the district court issued a memorandum decision granting summary judgment in favor of the State and disposing of other motions. In August 2007, the district court entered an order granting summary judgment, which also incorporated, by reference, the memorandum decision. Jackson filed a notice of appeal from the summary judgment. Jackson's appeal from the summary judgment remains pending as case number 20070588-CA.

On October 9, 2007, Jackson filed a motion for reconsideration in the district court, requesting that the court reconsider its decision to grant summary judgment in favor of the State based upon a "Martinez report" and instead grant Jackson's

motion for summary judgment.¹ The State opposed the motion for reconsideration on the basis of Gillett v. Price, 2006 UT 24, ¶ 1, 135 P.3d 861. The district court denied the motion for reconsideration. The court stated that its decision granting summary judgment was "a final decision which disposed of all issues in this case." The court ruled that "[i]n light of the decision of the Utah Supreme Court in Gillett, . . . which absolutely rejects the practice of filing post-judgment motions to reconsider, [Jackson's] motion must be denied."

Jackson opposes summary disposition, incorrectly asserting that the summary judgment was not a final decision on the merits of his complaint. His contention that the summary judgment was interlocutory and subject to revision, rather than a final judgment, is without merit. Furthermore, Jackson has appealed from that judgment in Case No. 20070588-CA.

In this appeal, Jackson challenges only the denial of his motion for reconsideration. The Utah Supreme Court rejected the practice of filing post-judgment motions to reconsider a trial court's final decision. See id. Jackson's motion was, both by its substance and its caption, a motion for reconsideration, and the district court did not err in denying it. Accordingly, we grant the motion for summary disposition and affirm the denial of the motion for reconsideration. Our ruling does not preclude Jackson from challenging the summary judgment itself in his pending appeal in case number 20070588-CA.

Pamela T. Greenwood,
Presiding Judge

James Z. Davis, Judge

Carolyn B. McHugh, Judge

1. The motion was captioned "Motion for Reconsideration of the Court's Decision on the Martinez Report." The Martinez report was prepared by the Department of Corrections with leave of the court to analyze Jackson's claims. The report and accompanying affidavits were the basis for the summary judgment.