

IN THE UTAH COURT OF APPEALS

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Connie Judd,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Petitioner and Appellee,)	
)	Case No. 20060662-CA
v.)	
)	F I L E D
John Gallacher,)	(October 13, 2006)
)	
Respondent and Appellant.)	2006 UT App 422

Third District, Salt Lake Department, 014906333
The Honorable Stephen L. Roth
The Honorable Mark Kouris

Attorneys: John Gallacher, West Valley City, Appellant Pro Se
 Nolan J. Olsen, Midvale, for Appellee

Before Judges Bench, Billings, and McHugh.

PER CURIAM:

John Gallacher appeals from the district court's June 7, 2006 order in the parties' ongoing divorce proceeding. This case is before the court on its own motion for summary dismissal for lack of jurisdiction due to the failure to file a timely notice of appeal. See Utah R. App. P. 4(a).

A notice of appeal must be filed "with the clerk of the trial court within 30 days after the date of entry of the judgment or order appealed from." Id. If an appeal is not timely filed, this court lacks jurisdiction to hear the appeal and must dismiss. See Serrato v. Utah Transit Auth., 2000 UT App 299, ¶7, 13 P.3d 616.

The district court entered its order from which Gallacher appeals on June 7, 2006. Gallacher filed his notice of appeal on July 17, 2006, ten days beyond the time limitation set forth in rule 4(a). See Utah R. App. P. 4(a). Because Gallacher did not timely file his notice of appeal, this court lacks jurisdiction to hear the appeal and must dismiss. See Varian-Eimac, Inc. v. Lamoreaux, 767 P.2d 569, 570 (Utah Ct. App. 1989) (stating that

if the court lacks jurisdiction over an appeal, it has only the authority to dismiss the action).

The appeal is dismissed.

Russell W. Bench,
Presiding Judge

Judith M. Billings, Judge

Carolyn B. McHugh, Judge