

IN THE UTAH COURT OF APPEALS

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Ngoc Van Le,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Petitioner,)	
)	Case No. 20080808-CA
v.)	
)	F I L E D
Utah Labor Commission,)	(December 4, 2008)
Levolor Kirsh and)	
Phoenix Insurance Co.,)	2008 UT App 441
)	
Respondents.)	

Original Proceeding in this Court

Attorneys: Ngoc Van Le, West Valley City, Petitioner Pro Se
Alan L. Hennebold, Salt Lake City, for Respondent
Utah Labor Commission
Mark R. Sumsion and Michael K. Woolley, Salt Lake
City, for Respondents Levolor Kirsh and Phoenix
Insurance Co.

Before Judges Bench, Davis, and McHugh.

PER CURIAM:

Ngoc Van Le appeals the Utah Labor Commission's August 28, 2008 order denying his request for reconsideration. We dismiss the appeal.

Rule 9(f) of the Utah Rules of Appellate Procedure provides that "[d]ocketing statements which fail to comply with this rule will not be accepted. Failure to comply [with rule 9] may result in the dismissal of the appeal or petition." Utah R. App. P. 9(f). The Utah Supreme Court has ruled that docketing statements must fully comply with rule 9 of the Utah Rules of Appellate Procedure. See Gregory v. Fourthwest Invs. Ltd., 735 P.2d 33, 34 (Utah 1987). Failure to comply with this rule constrains this court to dismissal of the appeal, particularly in those circumstances where this court has specifically ordered a party to amend his or her docketing statement. See id.

Respondent Levolor Kirsh filed a motion for summary disposition, asserting that Le's docketing statement failed to raise any issue for appeal or meet any of the mandatory requirements set forth in rule 9(c). This court denied the motion for summary disposition and expressly ordered Le to file an amended docketing statement that substantially complied with rule 9 by November 24, 2008. Although Le timely refiled his docketing statement, he failed to properly identify any issue for appeal or otherwise amend his docketing statement as required by this court's order.

Accordingly, the appeal is dismissed.

Russell W. Bench, Judge

James Z. Davis, Judge

Carolyn B. McHugh, Judge