

IN THE UTAH COURT OF APPEALS

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Marla Llewellyn,)	MEMORANDUM DECISION	
)	(Not For Official Publication)	
Petitioner and Appellant,)		
)	Case No. 20051146-CA	
v.)		
)	F I L E D	
Gary B. Skiles,)	(February 16, 2006)	
)		
Respondent and Appellee.)	<table border="1"><tr><td>2006 UT App 58</td></tr></table>	2006 UT App 58
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Third District, Salt Lake Department, 054905483
The Honorable Stephen L. Roth

Attorneys: Marla Llewellyn, Kearns, Appellant Pro Se

Before Judges Bench, Greenwood, and McHugh.

PER CURIAM:

Marla Llewellyn seeks to appeal the dismissal of her petition for a protective order. This is before the court on its own motion for summary disposition based on lack of jurisdiction due to the absence of a final order. Neither party responded to the motion, although Llewellyn lodged her brief on appeal. Her brief did not address the issues identified in the motion.

A hearing on the protective order was held before a commissioner on October 17, 2005. At the conclusion of the hearing, the commissioner recommended that the petition be dismissed based on the determination that Llewellyn and Skiles had not been cohabitants. The recommendation was noted in an unsigned minute entry, which is the only notation of the result of the hearing in the record. Llewellyn filed her notice of appeal on November 1, 2005.

Generally, appeals may be taken only from final orders or judgments. See Utah R. App. P. 3(a). Aside from certain exceptions not applicable here, an appellate court "does not have jurisdiction over an appeal unless it is taken from a final judgment." Loffredo v. Holt, 2001 UT 97, ¶10, 37 P.3d 1070. It is well settled that an unsigned minute entry is not a final order for purposes of appeal. See Ron Shepard Ins. v. Shields, 882 P.2d 650, 653 (Utah 1994). Here, the unsigned minute entry

noting the commissioner's recommendation of dismissal is not a final order for purposes of appeal. As a result, this court lacks jurisdiction over this appeal and must dismiss it.

Accordingly, this appeal is dismissed without prejudice to the timely filing of a notice of appeal after the entry of a final order.

Russell W. Bench,
Presiding Judge

Pamela T. Greenwood,
Associate Presiding Judge

Carolyn B. McHugh, Judge