

IN THE UTAH COURT OF APPEALS

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Frank L. Sindar,	)	MEMORANDUM DECISION
	)	(Not For Official Publication)
Plaintiff and Appellant,	)	
	)	Case No. 20051157-CA
v.	)	
	)	F I L E D
Honorable Denise Lindberg,	)	(April 20, 2006)
	)	
Defendant and Appellee.	)	<span style="border: 1px solid black; padding: 2px;">2006 UT App 162</span>

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Third District, Salt Lake Department, 050920754  
The Honorable Sandra N. Peuler

Attorneys: Frank L. Sindar, Draper, Appellant Pro Se  
Brent M. Johnson, Salt Lake City, for Appellee

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Before Judges Bench, Billings, and Thorne.

PER CURIAM:

Frank L. Sindar appeals the trial court's dismissal of his complaint for lack of jurisdiction. This is before the court on its own motion for summary disposition based on the absence of a substantial question for review. See Utah R. App. P. 10(e). We affirm.

Utah Code sections 77-6-1 through 77-6-9 set forth procedures for removing certain public officers from office for crimes or malfeasance. See Utah Code Ann. §§ 77-6-1 to -9 (2003). The process for removal applies to "[a]ll justices of the peace and all officers of any city, county or other political subdivision of this state not liable to impeachment." Id. § 77-6-1. In contrast, judicial officers, except justices of the peace, "shall be liable to impeachment" for crimes or malfeasance. Utah Code Ann. § 77-5-1 (2003). As a judicial officer, Judge Lindberg is subject to impeachment and is therefore expressly excluded from the scope of section 77-6-1.

As a result, the trial court correctly dismissed Sindar's complaint for lack of jurisdiction.

Affirmed.

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Russell W. Bench,  
Presiding Judge

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Judith M. Billings, Judge

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William A. Thorne Jr., Judge