

IN THE UTAH COURT OF APPEALS

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Lawrence Rey Topham,)	MEMORANDUM DECISION	
)	(Not For Official Publication)	
Petitioner and Appellant,)		
)	Case No. 20050729-CA	
v.)		
)	F I L E D	
Aaron D. Kennard,)	(February 9, 2006)	
)		
Respondent and Appellee.)	<table border="1"><tr><td>2006 UT App 40</td></tr></table>	2006 UT App 40
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Third District, West Jordan Department, 050406502
The Honorable Terry L. Christiansen

Attorneys: Lawrence Rey Topham, Salt Lake City, Appellant Pro Se

Before Judges Greenwood, McHugh and Orme.

PER CURIAM:

Lawrence Rey Topham appeals from a ruling and order entered on August 3, 2005, dismissing Topham's petition for extraordinary relief. This case is before the court on its own motion for summary disposition on the basis that the grounds for appeal are so insubstantial as not to merit further proceedings or consideration by the court. Neither party responded to the court's motion.

On June 24, 2005, the justice court entered findings of fact, conclusions of law, and an order of contempt against Topham. Topham sought relief in the district court, which the district court interpreted as a petition for relief pursuant to rule 65B(b) of the Utah Rules of Civil Procedure. The district court dismissed Topham's petition as frivolous on its face. See Utah R. Civ. P. 65B(b)(5) ("On review of the petition . . . if for any other reason any claim in the petition shall appear frivolous on its face, the court shall forthwith issue an order dismissing the claim, stating that the claim is frivolous on its face and the reasons for this conclusion.").

On appeal, Topham provides this court with no legitimate reason to overturn the ruling of the district court. The district court determined that the claims alleged by Topham were

frivolous on their face. A petition is frivolous on its face when it appears from the allegations contained in the pleadings and attachments that "the facts alleged do not support a claim for relief as a matter of law; [or] the claims have no arguable basis in fact." Utah R. Civ. P. 65C(g)(2)(A)-(B); see also Lancaster v. Utah Bd. of Pardons, 869 P.2d 945, 947-48 (Utah 1994). We conclude that the district court ruled correctly.

Accordingly, we affirm the district court's dismissal of Topham's petition.

Pamela T. Greenwood,
Associate Presiding Judge

Carolyn B. McHugh, Judge

Gregory K. Orme, Judge