

IN THE UTAH COURT OF APPEALS

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Bonneville Billing and Collections,)	MEMORANDUM DECISION	
)	(Not For Official Publication)	
)		
Plaintiff and Appellee,)	Case No. 20080324-CA	
)		
v.)	F I L E D	
)	(June 26, 2008)	
Jared Wall,)		
)	<table border="1"><tr><td>2008 UT App 245</td></tr></table>	2008 UT App 245
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Defendant and Appellant.)		

Second District, Layton Department, 060603573
The Honorable David M. Connors

Attorneys: Jared Wall, Kaysville, Appellant Pro Se

Before Judges Bench, Davis, and McHugh.

PER CURIAM:

In the prior appeal in this matter, we set aside a default judgment and remanded the case to the district court for further proceedings. See Bonneville Billing v. Wall, 2008 UT App 35U (mem.)(per curiam). This appeal is before the court on a sua sponte motion for summary disposition. Based upon a review of the record, we conclude that we lack jurisdiction to consider the appeal. When the notice of appeal was filed, the district court had taken no action other than setting a date for a pretrial conference, and the case remains pending in the district court.

We lack jurisdiction over this appeal because it is not taken from a final, appealable judgment that resolves the case in the district court. See Utah R. App. P. 3(a) ("An appeal may be taken from a district . . . court to the appellate court with jurisdiction over the appeal from all final orders and judgments."). Once a court has determined that it lacks jurisdiction, it "retains only the authority to dismiss the action." Varian-Eimac, Inc. v. Lamoreaux, 767 P.2d 569, 570 (Utah Ct. App. 1989). Accordingly, we dismiss the appeal without

prejudice to a timely appeal filed after the court enters a final appealable judgment.

Russell W. Bench, Judge

James Z. Davis, Judge

Carolyn B. McHugh, Judge