

IN THE UTAH COURT OF APPEALS

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Kirk Winward,	)	MEMORANDUM DECISION	
	)	(Not For Official Publication)	
Petitioner and Appellant,	)		
	)	Case No. 20091001-CA	
v.	)		
	)	F I L E D	
Board of Pardons,	)	(March 4, 2010)	
	)		
Respondent and Appellee.	)	<table border="1"><tr><td>2010 UT App 52</td></tr></table>	2010 UT App 52
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Third District, Salt Lake Department, 070903152  
The Honorable John Paul Kennedy

Attorneys: Edwin S. Wall, Salt Lake City, for Appellant  
Mark L. Shurtleff and Annina M. Mitchell, Salt Lake  
City, for Appellee

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Before Judges Davis, McHugh, and Bench.<sup>1</sup>

PER CURIAM:

Kirk Winward appeals the district court's order denying his motion to reinstate his petition for extraordinary relief. This matter is before the court on a sua sponte motion for summary disposition. We affirm.

Winward asserts that the district court erred by denying his motion to reinstate his petition for extraordinary relief. The district court's June 1, 2007 order fully adjudicated the issues raised in the petition for extraordinary relief and dismissed the action with prejudice. Thus, the June 1, 2007 order was a final, appealable order. See Bradbury v. Valencia, 2000 UT 50, ¶ 10, 5 P.3d 649. If Winward sought to challenge any portion of the June 1, 2007 order, he needed to file a timely notice of appeal, or an appropriate postjudgment motion. See Utah R. App. P. 4; see also Utah R. Civ. P. 60(b).

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<sup>1</sup>The Honorable Russell W. Bench, Senior Judge, sat by special assignment pursuant to Utah Code section 78A-3-102 (2008) and rule 11-201(6) of the Utah Rules of Judicial Administration.

In lieu of a proper appeal or appropriate postjudgment motion, on June 1, 2007, the record indicates that Winward filed a motion to reconsider. The Utah Supreme Court has "absolutely reject[ed] the practice of filing postjudgment motions to reconsider." Gillett v. Price, 2006 UT 24, ¶ 1, 135 P.3d 861. A postjudgment motion to reconsider does not toll the time for appeal. See id.

Winward failed to appeal the district court's June 1, 2007 order dismissing his petition for extraordinary writ, or file an appropriate postjudgment motion. Thus, the district court did not err by determining that it lacked jurisdiction to grant Winward's postjudgment motion to reinstate the petition for extraordinary writ.

Accordingly, the district court's order denying the motion for reinstatement is affirmed.

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James Z. Davis,  
Presiding Judge

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Carolyn B. McHugh,  
Associate Presiding Judge

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Russell W. Bench, Senior Judge