

IN THE UTAH COURT OF APPEALS

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Suzanne Hanson Hadley Buck,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Petitioner and Appellant,)	
)	Case No. 20080604-CA
v.)	
)	F I L E D
Sonny E. Hanson Sr.,)	(November 6, 2008)
)	
Respondent and Appellee.)	2008 UT App 402

Third District, Salt Lake Department, 034904112
The Honorable Michelle Blomquist

Attorneys: Suzanne Hanson Hadley Buck, Salt Lake City, Appellant
 Pro Se
 Russell Y. Minas, Salt Lake City, for Appellee
 Martha Pierce, Salt Lake City, Guardian Ad Litem

Before Judges Billings, Davis, and McHugh.

PER CURIAM:

This case is before the court on a sua sponte motion for summary dismissal because it is not taken from a final appealable order. We dismiss the appeal.

In May 2007, Appellant Suzanne Hanson Hadley Buck (Mother) filed a motion in district court seeking the return of her child to her custody.¹ This was the first of many documents prepared by her husband, Reverend Edward Allan Buck. On October 1, 2007, Reverend Buck filed a notice of appearance on behalf of Mother. On October 5, 2007, the district court entered a signed minute entry stating:

A Notice of Appearance has been filed indicating that Petitioner authorizes Rev. Edward Allan Buck to represent her in this case. It is unclear from the document

¹In a related juvenile court proceeding, the juvenile court granted Appellee Sonny E. Hanson Sr. permanent custody and guardianship of the parties' child in January 2006.

whether or not Rev. Edward Allan Buck is admitted and licensed to practice law in this state as a Utah Bar number was not included. The parties are reminded that under the Judicial Code, unless otherwise provided by law, a person may not practice law or assume to act or hold himself out to the public as a person qualified to practice law in this state if he/she is not admitted and licensed to practice law in this State. Furthermore, a violation of this prohibition will be referred to the Utah State Bar Board of Commissioners.

On October 10, 2007, the court again denied a request that Reverend Buck be allowed to represent Mother.

Reverend Buck continued to file documents purporting to be a petitioner in the case along with Mother. In a June 2008 minute entry, Commissioner Michelle Blomquist addressed these documents, which "were filed with the name of Reverend Edward Allan Buck indicated as the petitioner in the case." The Commissioner stated that "it is clear that Edward Allan Buck is not the petitioner in this case, nor is he a party to this action." Noting that the district court had denied the request by Reverend Buck to represent Mother, the Commissioner also stated that "[t]here is no indication in the file that Reverend Buck has intervened in the case." Reverend Buck and Mother as appellants now seek to appeal the Commissioner's minute entry.

The appeal is not taken from a final order that is appealable as a matter of right. Mother (and Reverend Buck) apparently concede this point and now refer to the appeal as an interlocutory appeal. However, no timely petition for interlocutory appeal was filed in this court pursuant to rule 5 of the Utah Rules of Appellate Procedure, and this court did not grant permission to appeal. See generally Utah R. App. P. 5. We lack jurisdiction to consider the appeal on the merits. Accordingly, we need not consider the alternative ground that the appeal presents insubstantial questions for review.

Reverend Buck argues that the Commissioner's ruling is a final order regarding his "legal standing as a party to the case," claiming that he has a due process right to maintain this action. However, Reverend Buck is not a party to the child custody proceeding between Mother and the child's biological father. Reverend Buck did not move to intervene in this case, and that issue was never presented to the district court. Reverend Buck simply began designating himself as a petitioner after his attempt to appear as Mother's representative was

unsuccessful. He is not a party to the case in the district court who can initiate an appeal to this court.

This court was not presented with a timely petition seeking permission to appeal under rule 5 of the Utah Rules of Appellate Procedure, and we did not grant permission to appeal. We dismiss the case for lack of jurisdiction.

Judith M. Billings, Judge

James Z. Davis, Judge

Carolyn B. McHugh, Judge