



ORIGINAL

FILED

03/05/2024

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 24-0038

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 24-0038

FILED

MAR - 5 2024

Bowen Greenwood
Clerk of Supreme Court
State of Montana

IN RE THE MARRIAGE OF:

BOBBY FRANCIS LOWRY V,

Petitioner and Appellant,

and

LYN DENISE WELCH HARMON,

Respondent and Appellee.

ORDER

Before this Court is self-represented Appellant Bobby Francis Lowry V's "Motion for Copy of District Court Record/Motion for Extension" of time to file his opening brief. Lowry requests that this Court provide him a copy of the record from the Lewis and Clark County District Court, where he initiated this civil proceeding. Lowry provides that he needs an additional thirty days.

We observe that, while he may proceed on appeal without paying the filing fee, Lowry is not entitled to a copy of the record without payment. Sections 25-10-404 and 25-1-201(1)(d), MCA. Upon review of the court record on file here, only seven documents comprise the record. Though Lowry's Notice of Appeal indicates that he is appealing a January 5, 2024 final judgment or order of the District Court, the record contains no such order.

Lowry initiated the underlying case in February 2022 when he filed a petition for dissolution without children, proposed property distribution, and motion to proceed without paying the filing fees. The court granted his motion. Lowry sent a letter to the court in July 2022, and then requested this Court to take supervisory control regarding the dissolution matter and other civil cases he had filed. *Lowry v. First Judicial Dist. Ct.*, No. OP 22-0617, Order dismissing writ of supervisory control (Mont. Nov. 15, 2022). We

dismissed his petition, stating that “Lowry has presented no information or documents that he actually served the parties with the copies of the construction liens or complaints.” Order, at 2. The record on appeal here reveals that Lowry never served the opposing party with his February 2022 filings. There is a December 7, 2022 e-mail to the Clerk of District Court from a Lewis and Clark County Detention Officer, attaching a list of questions from Lowry, including a question about service of process. The record does not reflect whether the clerk responded, but there is no indication that service was accomplished. There is consequently no action the District Court has taken or may take on his pleadings, and there is no order or final judgment from which Lowry may appeal.


IT IS THEREFORE ORDERED that this appeal is DISMISSED with prejudice and this matter is CLOSED as of this Order’s date.

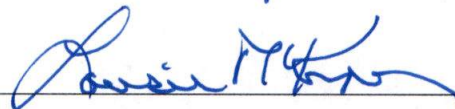
IT IS FURTHER ORDERED that Lowry’s Motion for Copy of District Court Record/Motion for Extension of Time is DENIED.

The Clerk is directed to provide a copy of this Order to all parties at their last known addresses.

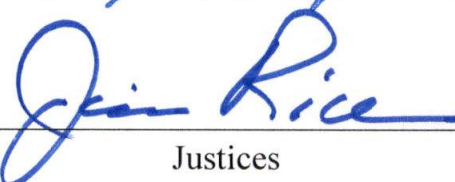
DATED this 5th day of March, 2024.


Chief Justice








Justices