



ORIGINAL

FILED

04/30/2024

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 24-0149

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 24-0149

FILED

APR 30 2024

Bowen Greenwood
Clerk of Supreme Court
State of Montana

NATHAN HARDIN,

Petitioner and Appellant,

v.

ORDER

STATE OF MONTANA,

Respondent and Appellee.

Appellant Nathan Hardin, self-represented, appeals from Cause No. BDV-2024-13 in the First Judicial District Court, Lewis and Clark County. Hardin indicates that his appeal is an appeal from an order certified as final under M. R. Civ. P. 54(b). He further indicates that the District Court’s certification order is attached, along with “Copies of the Judgement [sic] and all filings from Helena District Court.” The documents Hardin references are not attached. The only document attached to Hardin’s Notice of Appeal is a document captioned “Brief of Appellant” that appears to offer Hardin’s legal arguments on appeal.

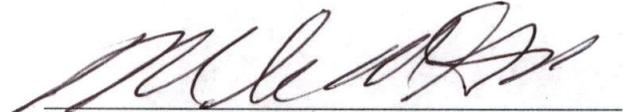
Without proper certification, we are without jurisdiction to entertain the appeal. *Kohler v. Croonenberghs*, 2003 MT 260, 317 Mont. 413, 77 P.3d 531. Furthermore, this Court may sua sponte raise the issue of whether an appeal has come to this Court prematurely and should therefore be dismissed for lack of jurisdiction. *Farmers Union Mut. Ins. Co. v. Horton*, 2003 MT 79, ¶ 19, 315 Mont. 43, 67 P.3d 285 (Gray, CJ, concurring) (citing *Litigation Relating to Riot*, 283 Mont. 277, 281, 939 P.2d 1013, 1016 (1997)).

Hardin has not provided a certification order from the District Court. The Lewis and Clark County Clerk of Court transmitted the record electronically on March 13, 2024, and our review of the record discerns no final order, thus implicating M. R. Civ. P. 54(b), but no Rule 54(b) certification order appears in the record.

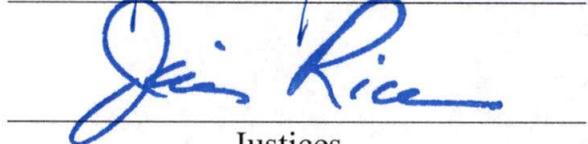
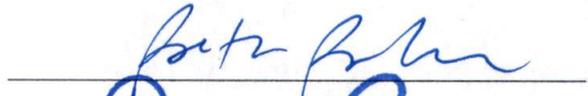
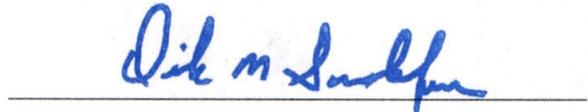
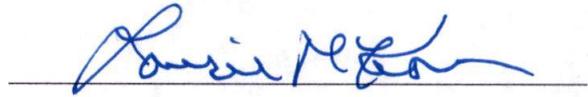
Since Hardin did not obtain certification of the District Court pursuant to M. R. Civ. P. 54(b), and this matter is not properly before this Court at this time;

IT IS THEREFORE ORDERED that this appeal is DISMISSED WITHOUT PREJUDICE.

Dated this 30th day of April, 2024.



Chief Justice



Justices