

DIVISION OF ST. THOMAS AND ST. JOHN

Appellee.

CASE NO. ST-12-SM-495

Pending before the Court is Appellant's petition challenging an Amended Judgment issued on November 14, 2012, and an Order issued on November 15, 2012, by the Magistrate's Court. For the following reasons, Appellant's petition will be dismissed.

The Magistrate's Court issued an Amended Judgment in favor of Appellant in the amount of \$3,750.00, including a vehicle lien fee in the amount of \$250.00 and post-judgment interest. The Magistrate's Court indicated that if Appellee failed to pay the entire judgment, Appellant could file a praecipe for a writ of execution for the entire amount without further order from the Court. In the November 15, 2012, Order, the Magistrate's Court denied Appellant's motion to require Appellee to fix Appellant's vehicle noting that the Court awarded Appellant a lump sum in lieu of ordering that the vehicle be fixed. On November 20, 2012, Appellant filed an appeal with the Supreme Court of the Virgin Islands, which was dismissed on December 20, 2012, for lack of jurisdiction. Appellant then filed in the Superior Court a motion for a debtor's hearing on

January 2, 2013, a "motion to notify ... [of] the nature of this action" on February 20, 2013, and an appellate brief on April 24, 2013.

ANALYSIS

Pursuant to Superior Court Rule 322.1(b)(2)(A), a petition for review of a magistrate's final order or judgment "must be filed with the Clerk of Court [of the Superior Court of the Virgin Islands] within ten (10) days after entry of the order sought to be reviewed." None of Appellant's submissions comply with Superior Court Rule 322.1. Appellant's November 20, 2012, submission was not filed with the proper court, and his three submissions filed in 2013 were filed well beyond the ten day period established in Rule 322.1. As result, Appellant's petition will be dismissed with prejudice for lack of jurisdiction.

An Order consistent with this Opinion shall follow.

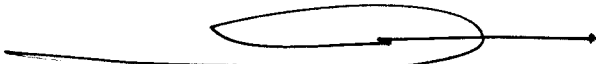
Dated: February 18, 2014

ATTEST: Estrella George
Acting Clerk of Court

by:

Donna D. Donovan

Court Clerk Supervisor



HON. MICHAEL C. DUNSTON
JUDGE OF THE SUPERIOR COURT
OF THE VIRGIN ISLANDS