

Rule 5.051

DISMISSAL OF APPEAL BY DISTRICT COURT

- (a) **District Court's Jurisdiction to Dismiss an Appeal.** When an appellant has filed a notice of appeal in the district court, but has failed to docket the appeal in compliance with Rule 2.04, the appeal is presumed abandoned and the district court may enter an order dismissing the appeal.
- (b) **Finality of Order of Dismissal.** A district court's order of dismissal pursuant to subsection (a) is final unless:
 - (1) the appellant, no later than 30 days after entry of the order:
 - (A) files with the clerk of the appellate courts in compliance with Rule 5.01 an application for reinstatement showing good cause for reinstatement; and
 - (B) submits all documents and pays the docket fee required by Rule 2.04, unless payment is excused; and
 - (2) the appellate court having jurisdiction of the appeal reinstates it for good cause shown.

[**History:** New rule effective September 14, 1978; Am. effective July 1, 1997; Am. effective September 6, 2005; Restyled rule effective July 1, 2012.]