



COURT OF APPEALS
OF THE
SHAKOPEE MDEWAKANTON SIOUX COMMUNITY

SMSC RESERVATION

STATE OF MINNESOTA

Daniel Edwin Jones,

Appellant,

vs.

File No. CT. APP. 491-02

CTAPP050-20

ORDER DISMISSING APPEAL

Michelle Marie Steinhoff,

Respondent.

On May 28, 2020, Jones filed a Notice of Appeal of Judge Jacobson’s Order dated May 4, 2020. Jones requests that this Court review the Trial Court’s statement on emancipation, arguing that he no longer is required to make child-support payments because the minor turned 18 and is therefore emancipated. While Appellant contends that Judge Jacobson’s Order “is believed and understood to be a final determination by the trial court,” he acknowledges that trial-court proceedings are ongoing.¹

Rule 31(a) of our Rules of Civil Procedure provides that “[i]n any action before the Tribal Court where a three-Judge panel has not heard the matter, a party may appeal any decision of the assigned Judge that would be appealable if the decision had been made by a judge of a United States District Court.” Appealability of federal district-court orders is governed by 28 U.S.C. §§ 1291 and 1292. Section 191 permits appeals from “all final decisions of the district

¹ Jones Notice of Appeal at 2.

courts,” and Section 1292 permits appeal of interlocutory orders in certain limited circumstances not applicable here.

As Jones acknowledges, Judge Jacobson’s decision is not final. In paragraph 3 of the Order, Judge Jacobson states that he is taking Steinhoff’s request to direct Jones to continue making child-support payments under advisement. Jones contends that interlocutory appeal is warranted because

(1) the outcome of the case would be conclusively determined by the issue appealed, (2) the matter appealed is collateral to the merits; (3) and the matter would be effectively unreviewable if immediate appeal were not allowed.²

Although Jones cites no authority for this test, we have used it before in *Little Six Inc. v. Prescott*, 1 Shak. A.C. 77, 78 (Sept. 9, 1997). Known as the collateral-order doctrine, it permits appeal of orders conclusively deciding issues separate from the merits that would be unreviewable after final judgment. Here, however, Judge Jacobson is still considering the child-support issue, so Jones cannot meet even the first of the three criteria for appeal of a collateral order.

ORDER

The Notice of Appeal is DISMISSED as the Order appealed is not appealable under Rule 31(a) of this Court’s Rules of Civil Procedure.

Date: June 12, 2020

Per Curiam.

² Jones Notice of Appeal at 2.