

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 43487

JEFFREY A. GENTRY,)	2016 Unpublished Opinion No. 469
)	
Petitioner-Appellant,)	Filed: April 5, 2016
)	
v.)	Stephen W. Kenyon, Clerk
)	
STATE OF IDAHO,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Respondent.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. George G. Hicks, Magistrate.

Appeal from judgment dismissing petition for writ of habeas corpus, dismissed.

Jeffrey A. Gentry, Boise, pro se appellant.

Respondent did not participate on appeal.

Before MELANSON, Chief Judge; GRATTON, Judge;
and HUSKEY, Judge

PER CURIAM

Jeffrey A. Gentry appeals from the magistrate’s dismissal of his petition for a writ of habeas corpus. A petition for a writ of habeas corpus is a pleading analogous to a complaint and is subject to the Idaho Rules of Civil Procedure. *Lopez v. State*, 128 Idaho 826, 827, 919 P.2d 355, 356 (Ct. App. 1996). Generally, appeals from magistrate decisions must be taken first to the district court. Idaho Appellate Rule 11(a); I.R.C.P. 83(a). This Court lacks jurisdiction to hear cases decided by a magistrate where no intermediate appeal to the district court was taken. *Olson v. Montoya*, 147 Idaho 833, 839, 215 P.3d 553, 559 (Ct. App. 2009).

Here, Gentry’s writ of habeas corpus was heard and decided by the magistrate. In response to the magistrate’s judgment dismissing his petition, Gentry filed an appeal directly to the Idaho Supreme Court. Because Gentry did not first file an intermediate appeal to the district

court, we lack jurisdiction to hear his appeal. Thus, we need not address Gentry's arguments on appeal. The appeal is dismissed.