

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE
January 17, 2019

FILED
01/24/2020
Clerk of the
Appellate Courts

BRENT G. PITCHFORD v. LOVES TRUCK STOP

**Appeal from the Circuit Court for Davidson County
No. 19C1114 Hamilton V. Gayden, Jr., Judge**

No. M2019-02262-COA-R3-CV

This is an appeal from an order dismissing an inmate’s lawsuit. Because the inmate did not file his notice of appeal within thirty days after entry of the order as required by Tenn. R. App. P. 4(a), we dismiss the appeal.

Tenn. R. App. P. 3 Appeal as of Right; Appeal Dismissed

ANDY D. BENNETT, RICHARD H. DINKINS, AND W. NEAL MCBRAYER, JJ.

Brent G. Pitchford, Nashville, Tennessee, pro se.

Loves Truck Stop, Nashville, Tennessee.

MEMORANDUM OPINION¹

This appeal arises out of an inmate’s lawsuit alleging that an employee of Loves Truck Stop filed a false police report. The trial court dismissed the suit on September 4, 2019, for failure to file an affidavit of indigency and failure to comply with Tenn. Code Ann. § 41-21-407. The inmate, Brent G. Pitchford, filed a notice of appeal with the clerk of this court on December 16, 2019.

Tennessee Rule of Appellate Procedure 4(a) requires that a notice of appeal be filed with the clerk of the appellate court within thirty days after entry of the judgment

¹Tenn. R. Ct. App. 10 states:

This court, with the concurrence of all judges participating in the case, may affirm, reverse or modify the actions of the trial court by memorandum opinion when a formal opinion would have no precedential value. When a case is decided by memorandum opinion it shall be designated “MEMORANDUM OPINION,” shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

appealed. Mr. Pitchford filed his notice of appeal more than three months after entry of the judgment appealed. The thirty day time limit for filing a notice of appeal is mandatory and jurisdictional. *Albert v. Frye*, 145 S.W.3d 526, 528 (Tenn.2004); *Binkley v. Medling*, 117 S.W.3d 252, 255 (Tenn. 2003). This court can neither waive nor extend the time period. Tenn. R. App. P. 2 and 21(b); *Flautt & Mann v. Council of City of Memphis*, 285 S.W.3d 856, 869 (Tenn. Ct. App. 2008); *Jefferson v. Pneumo Serv. Corp.* 699 S.W.2d 181, 184 (Tenn. Ct. App. 1985). The failure to file a timely notice of appeal deprives this court of jurisdiction to hear the matter. *Flautt & Mann v. Council of City of Memphis*, 285 S.W.3d at 869.

The appeal is hereby dismissed for failure to file a timely notice of appeal. The case is remanded to the trial court for further proceedings consistent with this opinion. Brent G. Pitchford is taxed with the costs for which execution may issue.

PER CURIAM