

IN THE COURT OF APPEALS OF TENNESSEE
AT JACKSON

FILED 12/10/2024 Clerk of the Appellate Courts

NEDRA R. HASTINGS v. LARRY M. HASTINGS, JR., ET AL.

**Appeal from the Circuit Court for Shelby County
No. CT-0189-23 Mary L. Wagner, Judge**

No. W2024-01433-COA-R3-CV

The notice of appeal in this case was not timely filed. Therefore, this Court lacks jurisdiction to consider this appeal.

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

J. STEVEN STAFFORD, P.J., W.S., ARNOLD B. GOLDIN, J.; CARMA DENNIS MCGEE, J.

Nedra R. Hastings, Cordova, Tennessee, Pro Se.

Larry Hastings, Jr., Germantown, Tennessee, Pro Se.

Jonathan Skrmetti, Attorney General and Reporter; Andree Sophia Blumstein, Solicitor General; and Jordan K. Crews, Senior Assistant Attorney General, for the appellee, State of Tennessee.

John Robert Marek, Memphis Tennessee, for the appellee, Shelby County Government.

MEMORANDUM OPINION¹

Pro se Appellant, Nedra R. Hastings, initiated this matter on May 30, 2024, by filing a Notice of Appeal in which she indicated that she was appealing the final judgment entered

¹ Rule 10 of the Rules of the Court of Appeals provides:

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 When a case is decided by memorandum opinion it shall be designated “MEMORANDUM OPINION,” shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

on May 23, 2024, of the Juvenile Court of Shelby County and the Circuit Court of Shelby County. The Notice of Appeal further referenced separate case numbers and judges for both the Juvenile Court and Circuit Court. Upon inquiry, the Clerk of this Court determined that a judgment was entered by the Juvenile Court on May 23, 2024, but no judgment was entered by the Circuit Court on May 23, 2024. By order entered on September 20, 2024, the matter was bifurcated into two separate appeals.

The record before the Court concerns the Shelby County Circuit Court case number CT0189-23. The final judgment therein was entered by the trial court on August 24, 2023. Generally, a notice of appeal must be filed within thirty (30) days after the date of entry of the final judgment. *See* Tenn. R. App. P. 4. This requirement may not be waived. *Am. Steinwinter Inv. Grp. v. Am. Steinwinter, Inc.*, 964 S.W.2d 569, 571 (Tenn. Ct. App. 1997). An appellate court cannot extend the time for filing a notice of appeal. Tenn. R. App. P. 2. “In civil cases, the failure to timely file a notice of appeal deprives the appellate court of jurisdiction to hear the appeal.” *Arfken & Assocs., P.A. v. Simpson Bridge Co.*, 85 S.W.3d 789, 791 (Tenn. Ct. App. 2002) (citations omitted). In fact, “[i]f the notice of appeal is not timely filed, the appellate court is required to dismiss the appeal.” *Id.* Appellant’s Notice of Appeal was not filed until May 30, 2024, which is more than thirty (30) days after August 24, 2023.

On November 13, 2024, this Court entered an order directing Appellant to “within ten (10) days of the entry of this Order, show cause why this appeal should not be dismissed for failure to timely file a notice of appeal.” In response, Appellant filed a “Response/Answer & Memorandum of Law,” which recounts the procedural history of the present case. However, Appellant failed to demonstrate that this Court has subject matter jurisdiction over the appeal.

Based on our review of the foregoing, we determine that this Court does not have subject matter jurisdiction over this matter because Appellant’s Notice of Appeal was not timely filed. Therefore, this appeal is hereby DISMISSED. Costs of this matter are assessed to Appellant, Nedra R. Hastings, for which execution may issue, if necessary.

PER CURIAM