

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE
March 4, 2025

FILED
03/07/2025
Clerk of the
Appellate Courts

DALE MUHLENBERG v. NEVA MUHLENBERG

**Appeal from the Circuit Court for Sumner County
No. 2022-CV-793 Joe Thompson, Judge**

No. M2025-00307-COA-R3-CV

This is an appeal from an order entered on January 2, 2025. The appellant filed her notice of appeal on February 24, 2025, together with a motion requesting an extension of time within which to file the appeal. Because the thirty-day time limit for filing a notice of appeal is jurisdictional and cannot be waived, we deny the motion for extension and dismiss the appeal.

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

FRANK G. CLEMENT, JR., P.J., M.S., W. NEAL MCBRAYER, and JEFFREY USMAN, JJ.

Neva Lent Muhlenberg, Marietta, Georgia, pro se.

William Bart Highers, Gallatin, Tennessee, for the appellee, Dale Muhlenberg.

MEMORANDUM OPINION¹

On February 24, 2025, Neva Lent Muhlenberg filed a notice of appeal to this Court from an order entered by the Circuit Court for Sumner County on January 2, 2025. On the same date, Ms. Muhlenberg filed a Motion for Extension of Time for Filing Appeal. Rule 4(a) of the Tennessee Rules of Appellate Procedure requires that a notice of appeal be filed with the clerk of this Court within thirty days after entry of the judgment appealed. Ms. Muhlenberg filed her notice of appeal fifty-three days after entry of the judgment appealed.

¹ Under the rules of this Court, as a memorandum opinion, this opinion may not be published, “cited[,] or relied on for any reason in any unrelated case.” TENN. CT. APP. R. 10.

In her motion, Ms. Muhlenberg concedes that her notice of appeal is untimely but requests that the Court extend the thirty-day time period and accept her late notice of appeal. However, the 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, 868 n.1 (Tenn. Ct. App. 2008); *Jefferson v. Pneumo Servs. Corp.*, 699 S.W.2d 181, 184 (Tenn. Ct. App. 1985).

Ms. Muhlenberg's failure to file a timely notice of appeal deprives this Court of jurisdiction to hear the matter. *See Flautt & Mann*, 285 S.W.3d at 869 n.1. The Motion for Extension of Time for Filing Appeal is denied, and the appeal is dismissed.

PER CURIAM