

IN THE COURT OF APPEALS OF TENNESSEE  
AT JACKSON

**IN RE AALYAH P.**

**Appeal from the Circuit Court for Shelby County  
No. CT00531313 Robert L. Childers, Judge**

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**No. W2014-01900-COA-R3-PT - Filed February 3, 2015**

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The Notice of Appeal was not timely filed, and we therefore have no jurisdiction to consider this appeal. Consequently, this appeal is dismissed.

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

ARNOLD B. GOLDIN, J., BRANDON O. GIBSON, J., AND KENNY W. ARMSTRONG, J.

Vanessa Marie King-Knight, Memphis, Tennessee, *pro se*.

Herbert H. Slatery, III, Attorney General and Reporter; Alexander S. Rieger, Assistant Attorney General, Nashville, Tennessee, for the appellee, Tennessee Department of Children's Services.

**MEMORANDUM OPINION<sup>1</sup>**

In this case, it appears that a final order was entered on July 28, 2014, and there is no indication that any of the motions listed in Rule 4(b) were timely filed. Thus, the Notice of Appeal filed by Appellant Vanessa Marie King-Knight should have been filed within thirty days after July 28, 2014. *See* Tenn. R. App. P. 4(a). Appellant, however, did not file a notice of appeal until August 28, 2014, and that date is more than thirty days after July 28,

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<sup>1</sup>Rule 10 of the Rules of the Court of Appeals of Tennessee 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 When a case is decided by memorandum opinion it shall be designated "MEMORANDUM OPINION", shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

2014.

By Order entered on January 21, 2015, the Court directed Appellant to show cause why this appeal should not be dismissed for failure to timely file the Notice of Appeal. Appellant filed a response to our Order on February 2, 2015, and stated therein that she inadvertently miscalculated the thirty (30) day time period within which to file her Notice of Appeal.

The thirty-day time limit for filing a notice of appeal set forth in Rule 4 of the Tennessee Rules of Appellate Procedure is mandatory and jurisdictional in civil matters. *Albert v. Frye*, 145 S.W.3d 526, 528 (Tenn. 2004); *Binkley v. Medling*, 117 S.W.3d 252, 255 (Tenn. 2003). The Tennessee Rules of Appellate Procedure expressly prohibit this Court from either waiving or extending that time period. *See* T.R.A.P. 2 and 21(b). Thus, the failure to timely file a notice of appeal deprives this court of jurisdiction to hear the matter and therefore, this appeal must be dismissed.

### **Conclusion**

For the foregoing reasons, we dismiss this appeal for failure to timely file the notice of appeal. Costs of this appeal are taxed to the appellant, Vanessa Marie King-Knight, for which execution may issue if necessary.

**PER CURIAM**