

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE
February 13, 2015 Session

**ROMALIS GRAY v. TENNESSEE DEPARTMENT OF
CORRECTION, et al.**

**Appeal from the Circuit Court for Morgan County
No. 2013CV41 Russell E. Simmons, Judge**

No. E2014-02037-COA-R3-CV - Filed February 13, 2015

This is an appeal from a final order dismissing the negligence action filed by the appellant. The final order was entered on July 10, 2014, and served on the parties by the trial court clerk on July 14, 2014. The Notice of Appeal was filed more than thirty (30) days from the effective date of entry of the final order, even considering the date upon which the *pro se* incarcerated appellant placed the Notice of Appeal in the mail for filing with the trial court clerk (September 10, 2014). See Tenn. R. App. P. 20(g). Because the Notice of Appeal was not timely filed, we have no jurisdiction to consider this appeal.

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

D. MICHAEL SWINEY, JOHN W. MCCLARTY, AND THOMAS R. FRIERSON, II, JJ.

Romalis Gray, Nashville, Tennessee, appellant, *pro se*.

Herbert Slatery III, Attorney General and Reporter, and Lucy H. Haynes, Assistant Attorney General, Civil Rights and Claims Division, Nashville, Tennessee, for the appellee, Tennessee Department of Correction.

MEMORANDUM OPINION¹

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

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 When a case is decided by memorandum opinion it shall be designated “MEMORANDUM OPINION,” shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

By order entered on January 8, 2015, the Court directed the appellant to show cause why this appeal should not be dismissed for lack of jurisdiction based upon the untimely filing of the Notice of Appeal. The appellant has filed no response to the show cause order.

In order to be timely, a notice of appeal must “be filed with and received by the clerk of the trial court within 30 days after the date of entry of the judgment appealed from.” Tenn. R. App. P. 4(a). “The thirty-day time limit for filing a notice of appeal is mandatory and jurisdictional in civil cases.” *Albert v. Frye*, 145 S.W.3d 526, 528 (Tenn. 2004).

Because the Notice of Appeal in this case was filed more than thirty (30) days after the effective date of entry of the final order, we lack jurisdiction to consider the appeal. This appeal is dismissed. Costs on appeal are taxed to the appellant, Romalis Gray, for which execution may issue if necessary.

PER CURIAM