

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE
April 24, 2023

FILED 04/25/2023 Clerk of the Appellate Courts
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CRAIG CHARLES, ET AL. v. RAYMOND KEITH MCCRARY, ET AL.

**Appeal from the Circuit Court for Washington County
No. 37417 James E. Lauderback, Judge**

No. E2022-01623-COA-R3-CV

The trial court clerk notified this Court that a final judgment has not been entered. This Court ordered the appellant to show cause why this appeal should not be dismissed. Appellant failed to respond to our show cause order. As no final judgment has been entered, this Court lacks jurisdiction to consider this appeal.

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

KRISTI M. DAVIS, J.; D. MICHAEL SWINEY, C.J.; AND JOHN W. MCCLARTY, J.

Russell L. Egli, Knoxville, Tennessee, for the appellant, Raymond Keith McCrary.

Alexis Irene Tahinci, Kingsport, Tennessee, for the appellees, Craig Charles, and Kennedy Pascal.

MEMORANDUM OPINION¹

The trial court clerk notified this Court that no final judgment has been entered in this case. This Court then directed the appellant, Raymond Keith McCrary, to show cause why this appeal should not be dismissed for lack of subject matter jurisdiction. “A final

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 When a case is decided by memorandum opinion it shall be designated “MEMORANDUM OPINION,” shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

judgment is one that resolves all the issues in the case, ‘leaving nothing else for the trial court to do.’” *In re Estate of Henderson*, 121 S.W.3d 643, 645 (Tenn. 2003) (quoting *State ex rel. McAllister v. Goode*, 968 S.W.2d 834, 840 (Tenn. Ct. App. 1997)). This Court does not have subject matter jurisdiction to adjudicate an appeal as of right if there is no final judgment. See *Bayberry Assocs. v. Jones*, 783 S.W.2d 553, 559 (Tenn. 1990) (“Unless an appeal from an interlocutory order is provided by the rules or by statute, appellate courts have jurisdiction over final judgments only.”). Appellant failed to respond to our show cause order.

“Except where otherwise provided, this Court only has subject matter jurisdiction over final orders.” *Foster-Henderson v. Memphis Health Center, Inc.*, 479 S.W.3d 214, 222 (Tenn. Ct. App. 2015). As a final judgment has not yet been entered, this Court lacks jurisdiction to consider this appeal. The appeal is hereby dismissed. Costs on appeal are taxed to the appellant, Raymond Keith McCrary, for which execution may issue.

PER CURIAM