

IN THE COURT OF APPEALS OF TENNESSEE
AT JACKSON
October 12, 2004 Session

WOODROW JERRY HAWKINS v. MARY BURTON, ET AL.

**Direct Appeal from the Circuit Court for Shelby County
No. CT-006815-02 John R. McCarroll, Judge**

No. W2003-02617-COA-R3-CV - Filed November 16, 2004

Following an unlawful detainer action in general sessions court, Appellant was lawfully evicted pursuant to a writ of possession. Appellant did not appeal the judgment. Appellant filed a subsequent action in general sessions court alleging wrongful eviction. The general sessions court dismissed the action. Plaintiff appealed to circuit court, which affirmed dismissal based on the doctrine of *res judicata*. We affirm.

Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Circuit Court Affirmed

DAVID R. FARMER, J., delivered the opinion of the court, in which W. FRANK CRAWFORD, P.J., W.S., and HOLLY M. KIRBY, J., joined.

Woodrow Jerry Hawkins, *Pro se*.

Gayle B. Lakey, Memphis, Tennessee, for the appellees, Mary Burton and Alco Management, Inc.

MEMORANDUM OPINION¹

Plaintiff Woodrow Jerry Hawkins (Mr. Hawkins) was evicted from the Walnut Park Apartments in Memphis pursuant to a detainer warrant filed by ALCO Management, agent for Walnut Park Apartments, on June 11, 2002. The warrant was personally served on Mr. Hawkins on June 14, 2002. Mr. Hawkins attended the eviction hearing, and judgment was entered for ALCO

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 When a case is decided by memorandum opinion it shall be designated "MEMORANDUM OPINION", shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

Management on July 9, 2002. A writ of possession was issued on July 23, 2002, and served on July 26. Mr. Hawkins took no appeal from this judgment.

On August 9, 2002, Mr. Hawkins, acting pro se, filed a cause of action in general sessions court against ALCO Management and Mary Burton, its employee (collectively, “Defendants”). The gist of Mr. Hawkins’ complaint was that he was wrongfully evicted. The general sessions court dismissed the action, and Mr. Hawkins appealed to circuit court. On September 24, 2003, the circuit court awarded Defendants summary judgment upon finding the doctrine of *res judicata* was applicable. Mr. Hawkins file a timely notice of appeal to this Court.

Mr. Hawkins, acting pro se, includes no statement of the issues in his brief to this Court, but argues that he was wrongfully evicted. We concur with the trial court with respect to the application of the doctrine of *res judicata*. Mr. Hawkins’ August 2002 complaint is entirely predicated on matters which should have been litigated in the July 2002 detainer action. Mr. Hawkins simply failed to properly appeal the general session court’s judgment in the detainer action.

We accordingly affirm the judgment of the trial court. Costs of this appeal are taxed to Appellant Woodrow Jerry Hawkins, for which execution may issue if necessary.

DAVID R. FARMER, JUDGE