

**FILED**

09/27/2023

Clerk of the  
Appellate Courts

IN THE COURT OF APPEALS OF TENNESSEE  
AT KNOXVILLE  
September 26, 2023 Session

**JUDIE SNIPES v. SKIN CANCER & COSMETIC DERMATOLOGY  
CENTER P.C. ET AL.**

**Appeal from the Circuit Court for Hamilton County  
No. 21C0693      John B. Bennett, Judge**

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**No. E2023-00386-COA-R3-CV**

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This is an appeal from a final order entered on February 10, 2023. The Notice of Appeal was not filed with the Appellate Court Clerk until March 14, 2023, more than thirty days from the date of entry of the order from which the appellant is seeking to appeal. 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, C.J.; JOHN W. MCCLARTY, J.; and KRISTI M. DAVIS, J.

Judie Snipes, Chattanooga, Tennessee, Pro Se Appellant.

William E. Godbold, III, Chattanooga, Tennessee, for the appellees, Skin Cancer & Dermatology, John Chung, and R. Jeremiah Micheff.

**OPINION**

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

The Hamilton County Circuit Court (“Trial Court”) entered its final judgment on

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<sup>1</sup>Rule 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 When a case is decided by memorandum opinion it shall be designated “MEMORANDUM OPINION,” shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

February 10, 2023. The *pro se* appellant, Judie Snipes (“Appellant”), filed a notice of appeal with this Court on March 14, 2023, more than thirty days after the final judgment was entered. The Notice of Appeal states that Appellant is appealing an order of the Trial Court filed on March 14, 2023; however, the record transmitted to this Court from the Trial Court Clerk does not include an order filed on that date. Appellant attached a document to her notice of appeal entitled, “Request to Appeal Decision to Dismiss, Order dated Feb 10, 2023.” That document contains a date of February 28, 2023, but it does not contain a file stamp on the face of the document from either this Court or the Trial Court. In order to be timely, a notice of appeal must “be filed with the clerk of the appellate court within 30 days after the date of entry of the judgment appealed from.” Tenn. R. App. P. 4(a). Due to the weekend, the notice of appeal should have been filed with this Court on March 13, 2023 to be timely filed. *See* Tenn. R. App. P. 21(a) (“The last day of the period so computed shall be included unless it is a Saturday, a Sunday, or a legal holiday . . . , in which event the period runs until the end of the next day which is not one of the aforementioned days.”).

This Court entered an order on August 30, 2023, directing Appellant to show cause why this appeal should not be dismissed as being untimely filed. Appellant failed to file a response to this Court’s show cause order. “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). If a notice of appeal is not filed in a civil case in a timely fashion from the date of entry of the final judgment, we are not at liberty to waive the procedural defect and must dismiss the appeal. *See Arfken & Assocs., P.A. v. Simpson Bridge Co., Inc.*, 85 S.W.3d 789, 791 (Tenn. Ct. App. 2002); *Am. Steinwinter Investor Group v. Am. Steinwinter, Inc.*, 964 S.W.2d 569, 571 (Tenn. Ct. App. 1997); *Jefferson v. Pneumo Services Corp.*, 699 S.W.2d 181, 184 (Tenn. Ct. App. 1985).

Because the Notice of Appeal in this case was filed more than thirty (30) days after the 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, Judie Snipes, for which execution may issue if necessary.

**PER CURIAM**