

IN THE COURT OF APPEALS OF TENNESSEE
AT JACKSON

FILED
09/20/2023
Clerk of the
Appellate Courts

MARK T. STINSON SR. v. MR. COOPER

**Appeal from the Chancery Court for Shelby County
No. CH-22-1275 JoeDae L. Jenkins, Chancellor**

No. W2023-00161-COA-R3-CV

Appellant, Mark T. Stinson, has appealed an order of the Shelby County Chancery Court that was entered on January 27, 2023. We determine that the January 27, 2023 order does not constitute a final appealable judgment. Therefore, this Court lacks jurisdiction to consider the appeal. The appeal is dismissed.

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

J. STEVEN STAFFORD, P.J., W.S.; ARNOLD B. GOLDIN, J.; KENNY ARMSTRONG, J.

Mark T. Stinson, Miami, Florida, Pro Se

Lauren Paxton Roberts, Franklin, Tennessee, for the Appellee, NationStar Mortgage LLC d/b/a Mr. Cooper.

MEMORANDUM OPINION¹

Pursuant to the requirements of Rule 13(b) of the Tennessee Rules of Appellate Procedure, on August 7, 2023, the Court directed Appellant to show cause why this appeal should not be dismissed for lack of subject matter jurisdiction after it became clear that there was no final judgment from which an appeal as of right would lie. “A final 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.*

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 When a case is decided by memorandum opinion it shall be designated “MEMORANDUM OPINION,” shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

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.”).

Specifically, Appellant has appealed an order of the trial court entered on January 27, 2023, which denied Appellant’s motion for reconsideration of a trial court order entered on January 19, 2023. The substantive January 19, 2023 order appears to simply deny Appellant’s motion for a default judgment against one of the defendants, citing the fact that the defendant had not yet been served with process. However, the attorney for said defendant was present at the hearing and accepted service for his client. The trial court, therefore, denied Appellant’s motion and the case is moving forward. The court subsequently denied Appellant’s motion for reconsideration of this interlocutory order on January 27, 2023. Although Appellant filed a response to this Court’s August 7, 2023 Show Cause Order, his response failed to show good cause why this appeal should not be dismissed for lack of a final judgment.

As the order appealed does not constitute a final appealable judgment, this Court lacks jurisdiction to consider this appeal. Thus, the appeal is hereby DISMISSED.² Costs on appeal are taxed to Appellant, Mark T. Stinson, for which execution may issue.

PER CURIUM

² On September 19, 2023, Appellant filed a motion to waive oral argument and for a judgment to be granted in his favor. Based on the dismissal of this appeal, Appellant’s motion is DENIED as moot.