

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE
Assigned March 25, 2013

**SHEMEKA IBRAHIM v. MURFREESBORO MEDICAL CLINIC SURGI
CENTER ET AL.**

**Appeal from the Circuit Court for Rutherford County
No. 65489**

No. M2013-00631-COA-R3-CV - Filed March 28, 2013

This is an appeal from an order of dismissal entered on January 23, 2013. Because the appellant did not file his notice of appeal with the trial court clerk within the time permitted by Tenn. R. App. P. 4, we dismiss the appeal.

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

PATRICIA J. COTTRELL, P.J., M.S.; ANDY D. BENNETT AND RICHARD H. DINKINS, JJ.

Shemeka Ibrahim, Antioch, Tennessee, Pro Se.

Renee Levay Stewart and J. Eric Miles, Nashville, Tennessee, for the appellees,
Murfreesboro Medical Clinic Surgi Center et al.

MEMORANDUM OPINION¹

The appellees have filed a motion to dismiss this appeal for failure to file a timely notice of appeal. Tenn. R. App. P. 4(a) requires that a notice of appeal be filed with and received by the trial court clerk within thirty (30) days after entry of the judgment

¹Tenn. R. Ct. App. 10 states:

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 When a case is decided by memorandum opinion it shall be designated "MEMORANDUM OPINION," shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

appealed. The appellees assert that the trial court entered an order dismissing the action as to all defendants on January 23, 2013, and that the appellant did not file her notice of appeal until February 25, 2013, thirty-three days later. The appellant has not filed a timely response disputing the dates or otherwise opposing dismissal of the appeal.

The time limit for filing a notice of appeal is mandatory and jurisdictional. *Albert v. Frye*, 145 S.W.3d 526, 528 (Tenn.2004); *Binkley v. Medling*, 117 S.W.3d 252, 255 (Tenn. 2003). This court can neither waive nor extend the time period. Tenn. R. App. P. 2 and 21(b); *Flautt & Mann v. Council of City of Memphis*, 285 S.W.3d 856, 869 (Tenn. Ct. App. 2008); *Jefferson v. Pneumo Serv. Corp.* 699 S.W.2d 181, 184 (Tenn. Ct. App. 1985). The failure to file a timely notice of appeal deprives this court of jurisdiction to hear the matter. *Flautt & Mann v. Council of City of Memphis*, 285 S.W.3d at 869.

The appeal is hereby dismissed for failure to file a timely notice of appeal. The costs of the appeal are taxed to Shemeka Ibrahim and her surety for which execution may issue.

PER CURIAM