

IN THE COURT OF APPEALS OF OHIO  
FOURTH APPELLATE DISTRICT  
ROSS COUNTY

Daniel Wright,	:	
Petitioner-Appellant,	:	No. 02CA2645
v.	:	
Don DeWitt,	:	<u>DECISION AND JUDGMENT ENTRY</u>
Respondent-Appellee.	:	Released 2/4/02

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APPEARANCES:

APPELLANT *PRO SE*: Daniel Wright, Chillicothe, Ohio

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**PER CURIAM:**

{¶1} Appellant, Daniel Wright, filed a Notice of Appeal from the trial court's dismissal of appellant's December 12, 2001 Motion for Reconsideration. In his motion, appellant asked the trial court to reconsider its February 6, 2001 Judgment that dismissed appellant's petition for a writ of habeas corpus. The trial court denied appellant's Motion and stated that pursuant to Pitts v. Dept. of Transportation (1981), 67 Ohio St.2d 378, a motion for reconsideration is a nullity.

{¶2} The Ohio Rules of Civil Procedure do not provide for motions for reconsideration after a final judgment in a trial court. Pitts, supra. Because there is no provision for such motions, any motion for reconsideration as well as any judgment

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entered in response is considered a **nullity**. Id. at 380-381. See,  
also, State ex rel. Pendell v. Adams Cty. Bd. Of Elections  
(1988), 40 Ohio St.3d 58, citing Pitts. Consequently, there is  
nothing for this court to review. See Williams v. Ohio Adult  
Parole Authority (Aug. 28, 1996), Ross App. No. 95CA2154,  
unreported. See, also, DWP Corp. v. Dixie Machine & Supply Co.  
(May 8, 1992), Pike App. No. 466, unreported.

The filing of a timely notice of appeal is jurisdictional.

{¶3} See, generally, State v. Fisher (1975), 46 Ohio App.2d  
279; Bosco v. City of Euclid (1974), 38 Ohio App.2d 40; Richards  
v. Indus-trial Commission (1955), 163 Ohio St. 439. The time for  
filing a notice of appeal is governed by App.R. 4 and, pursuant  
to App.R. 14(B), a court may not enlarge the time for filing a  
notice of appeal. Ross v. Harden (1982), 8 Ohio App.3d 34.

{¶4} In the case *sub judice*, appellant's Notice of Appeal  
should have been filed within thirty days of the February 6, 2001  
judgment. Appellant did not, however, appeal that judgment, but  
instead filed a Motion for Reconsideration ten months later and  
appealed the trial court's dismissal of that motion. Pursuant to  
Pitts, Pendell, Williams and DWP Corp., supra, this court does  
not have jurisdiction to consider this appeal. Thus, we hereby  
dismiss this appeal.

**APPEAL DISMISSED.**

No. 02CA2645, Ross County

**JUDGMENT ENTRY**

It is ordered that the **APPEAL BE DISMISSED** and that appellees recover of appellant costs herein taxed.

It is further ordered that a special mandate issue out of this Court directing the Ross County Court of Common Pleas, to carry this judgment into execution.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure. Exceptions.

Harsha, J. and Kline, J. Concur

**FOR THE COURT**

By: \_\_\_\_\_  
Peter B. Abele, Presiding Judge

**NOTICE TO COUNSEL**

Pursuant to Local Rule No. 14, this document constitutes a final judgment entry and the time period for further appeal commences from the date of filing with the clerk.