

IN THE COURT OF APPEALS OF OHIO
TENTH APPELLATE DISTRICT

29SC Four Pointe LP,	:	
Plaintiff-Appellee,	:	
v.	:	No. 26AP-293 (M.C. No. 2026 CVG 8106)
Jessica Brown,	:	(REGULAR CALENDAR)
Defendant-Appellant.	:	

D E C I S I O N

Rendered on September 29, 2026

On brief: *Jessica Brown*, pro se.

APPEAL from the Franklin County Municipal Court

LELAND, J.

{¶ 1} Defendant-appellant, Jessica Brown, proceeding pro se, appeals from a March 4, 2026 judgment entry of the Franklin County Municipal Court (“municipal court”), in which the municipal court adopted a magistrate’s decision in a forcible entry and detainer action and granted restitution to plaintiff-appellee, 29SC Four Pointe LP. Appellant also appeals from an entry of the municipal court filed on March 20, 2026.

I. Facts and Procedural History

{¶ 2} On February 12, 2026, appellee filed a complaint in forcible entry and detainer (“FED”) against appellant in municipal court. Appellee alleged it was the landlord of premises occupied by appellant under a lease agreement, and that appellant had failed to pay rent due for the month of February 2026. The complaint sought restitution of the premises.

{¶ 3} On February 24, 2026, appellant filed an answer and counterclaim. On February 27, 2026, appellant filed in the municipal court a document captioned “Notice of Removal,” stating she was “removing this case to the Southern District of Ohio Federal Court.”¹ On March 2, 2026, appellant filed a third-party complaint against the City of Columbus.

{¶ 4} On March 2, 2026, a magistrate of the municipal court filed a decision stating the case had been called for trial and that appellee appeared but appellant did not appear. The magistrate’s decision further stated in part: “Based on the evidence presented, the Magistrate finds that the Notice to Vacate conforms to R.C. 1923.04 and was properly served, and that plaintiff has proven non-payment of rent and the allegations set forth in the complaint by a preponderance of the evidence. Judgment for plaintiff for restitution of the premises and costs.” (Mar. 2, 2026 Mag.’s Decision.)

{¶ 5} On March 3, 2026, appellant filed objections to the magistrate’s decision. On March 4, 2026, the municipal court filed an entry adopting the magistrate’s decision and entering judgment for appellee for restitution of the premises. That same day, appellant filed a pro se notice of appeal from the March 4, 2026 judgment entry.

{¶ 6} On March 20, 2026, the municipal court filed an entry addressing appellant’s “numerous filings from February 24, 2026 to March 4, 2026.” (Mar. 20, 2026 Entry.) The entry of the court stated in part: “Defendant having filed a notice of appeal, this Court is deprived of jurisdiction to rule on Defendant’s filings during the pendency of the appeal.” (Mar. 20, 2026 Entry.)

¹ A review of the municipal court docket indicates that, although appellant filed a document titled “Notice of Removal” in the municipal court on February 27, 2026, purporting to remove the action to the Southern District Court of Ohio, she did not file a copy of the notice of removal filed in federal court with the clerk of the municipal court until May 18, 2026. We note that a similar factual scenario was recently addressed by this court, in which we construed the procedural requirements for removal of a state action under 28 U.S.C. 1446(d), including the requirement that a defendant file a copy of the federal court removal notice in state court before the state court is divested of jurisdiction to proceed further unless, and until, the matter is remanded by the federal court to the state court. *See 29SC Four Pointe LP v. Lockhart*, 2026-Ohio-3533, ¶ 8 (10th Dist.) (holding that “any effected removal of the action” could “have only occurred” after the date a copy of the federal court removal notice was filed in state court).

{¶ 7} On March 24, 2026, appellant filed a notice of appeal from the municipal court’s entry filed on March 20, 2026²; on the same day, she filed a motion to stay execution of the restitution judgment pending appeal. By entry filed April 1, 2026, the municipal court granted a stay pending appeal. On May 27, 2026, the United States District Court for the Southern District of Ohio remanded the action to the Franklin County Municipal Court. *See 29SC Four Pointe LP v. Brown*, 2026 U.S. Dist. LEXIS 116670 (S.D. Ohio May 27, 2026).

II. Assignment of Error

{¶ 8} On appeal, appellant assigns the following assignment of error for review:

The trial court erred and abused its discretion in ignoring Federal Court juris[di]ction in Appellant Brown’s case and Notice of Removal action.

III. Discussion

{¶ 9} Under her single assignment of error, appellant contends the municipal court erred by proceeding with the action after she filed her notice of removal to federal district court. Appellant requests this court to “reverse the judgments of the trial court in this case and remand this matter to state court with instructions to dismiss Appellee 29SC Four Pointe’s Complaint.” (Appellant’s Brief at 8.)

{¶ 10} We initially must resolve a threshold jurisdictional issue. Specifically, we consider whether appellant has appealed from a final order.

{¶ 11} As set forth above, a magistrate conducted a hearing on appellee’s FED complaint on March 2, 2026, and issued a decision that same day. On March 3, 2026, appellant filed timely objections to the magistrate’s decision. On March 4, 2026, the municipal court adopted the magistrate’s decision and entered judgment for appellee without ruling on the objections; appellant filed her first notice of appeal on that date.

{¶ 12} In accordance with Section 3(B)(2), Article IV of the Ohio Constitution, “a judgment of a trial court can be immediately reviewed by an appellate court only if it constitutes a ‘final order’ in the action.” *Jones v. Natural Essentials, Inc.*, 2015-Ohio-5222,

² Appellant’s notice of appeal states in part that she appeals “from the final judgment entry of the Franklin County Municipal Court entered on March 23, 2026.” (Mar. 24, 2026 Notice of Appeal.) We construe appellant’s second pro se notice of appeal as seeking to appeal from the municipal court’s entry of March 20, 2026.

¶ 3 (11th Dist.), quoting *Germ v. Fuerst*, 2003-Ohio-6241, ¶ 3 (11th Dist.). If an order of a trial court “is not final and appealable, the appellate court must dismiss the appeal because it lacks jurisdiction.” *Mill Creek Metro. Park Dist. Bd. of Commrs. v. Less*, 2023-Ohio-2332, ¶ 8.

{¶ 13} Under Civ.R. 53(D)(3)(b)(i), “a party may file written objections to a magistrate’s decision within 14 days of the filing of the decision, whether or not the court has adopted the decision during the 14-day period.” *Treasurer of Cuyahoga Cty. v. Holloway*, 2017-Ohio-8065, ¶ 5 (8th Dist.). Pursuant to Civ.R. 53(D)(4)(d), “a trial court ‘shall rule’ on any timely filed objections to a magistrate’s decision.” *Id.* In this respect, this court has observed that “ ‘an appellate court may not address an appeal of a trial court’s judgment when the trial court has failed to rule on properly filed objections.’ ” *G. Scottco Inv. Co. v. Korleski*, 2011-Ohio-6656, ¶ 8 (10th Dist.), quoting *Drummond v. Drummond*, 2003-Ohio-587, ¶ 13 (10th Dist.).

{¶ 14} Consistent with these principles, Ohio courts have held that when a trial court enters judgment on a magistrate’s decision but “fails to rule on timely objections, there is no final, appealable order.” *Holloway* at ¶ 5, citing *In re B.W.*, 2011-Ohio-4513, ¶ 8 (8th Dist.), citing *Peric v. Buccilli*, 2002-Ohio-6234, ¶ 8 (8th Dist.). *See also Dix Rd. Property Mgt. v. Brown*, 2022-Ohio-2310, ¶ 8 (1st Dist.) (because the trial court failed to rule on pending objections, the magistrate’s decision remained interlocutory and the trial court’s entry was “not a final, appealable order”); *State Dept. of Taxation v. Barney*, 2023-Ohio-636, ¶ 12 (10th Dist.) (recognizing “a final appealable order is lacking if the trial court adopts a magistrate’s decision without acknowledging or explicitly ruling on objections”).

{¶ 15} Here, the record indicates appellant filed timely objections to the magistrate’s March 2, 2026 decision. While the municipal court adopted the magistrate’s decision and entered judgment on March 4, 2026, it did not rule on appellant’s objections. Consequently, the March 4, 2026 entry is not a final, appealable order, and we lack jurisdiction to consider this appeal.

{¶ 16} Appellant’s attempt to appeal from the municipal court’s March 20, 2026 entry suffers the same deficiency. That entry did not purport to adjudicate appellant’s objections or any substantive claim; rather, the court stated it believed it was “deprived of jurisdiction” to rule on appellant’s filings because she had filed a notice of appeal. The

March 20, 2026 entry, therefore, which left appellant’s objections unresolved (and did not grant or deny any relief or otherwise determine the parties’ rights), is not a final, appealable order. *See Mill Creek Metro Park*, 2023-Ohio-2332, at ¶ 8, quoting *VIL Laser Sys., L.L.C. v. Shiloh Industries, Inc.*, 2008-Ohio-3920, ¶ 8 (“an order ‘that leaves issues unresolved and contemplates further action is not a final, appealable order’ ”).

{¶ 17} Accordingly, “because the trial court failed to rule on” appellant’s timely objections to the magistrate’s decision, “the matter must be returned to the trial court for that required ruling, and a decision of whether to adopt the magistrate’s decision in light of that ruling.” *Ferretti v. Graham*, 2001 Ohio App. LEXIS 502, *5 (10th Dist. Feb. 13, 2001).

IV. Conclusion

{¶ 18} Because neither the March 4, 2026 entry nor the March 20, 2026 entry is a final, appealable order, we lack jurisdiction to consider appellant’s assignment of error. We therefore dismiss this appeal and remand this matter to the Franklin County Municipal Court for disposition of appellant’s objections.

*Appeal dismissed;
cause remanded.*

BOGGS, P.J., and MENTEL, J., concur.
