**[Cite as *Keith v. Keith*, 2026-Ohio-4591.]**

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

| | | |
|---|---|---|
| Jesse Keith, | : | |
| Plaintiff-Appellee, | : | |
| | | No. 26AP-478 |
| v. | : | (C.P.C. No. 25DR-3224) |
| India Keith, | : | (ACCELERATED CALENDAR) |
| Defendant-Appellant. | : | |

D E C I S I O N

Rendered on November 19, 2026

**On brief:** *India Keith*, pro se.

APPEAL from the Franklin County Court of Common Pleas,
Division of Domestic Relations

BOGGS, P.J.

**{¶ 1}** Defendant-appellant, India Keith, appeals the decision and judgment entry of the Franklin County Court of Common Pleas, Division of Domestic Relations, which dismissed her motion for relief from judgment. For the following reasons, we dismiss her appeal.

## I. FACTS AND PROCEDURAL HISTORY

**{¶ 2}** Plaintiff-appellee, Jesse Keith, and India were married on March 17, 2010, and the couple had four children. On October 21, 2025, Jesse filed a complaint for divorce based on the grounds that the parties are incompatible.

**{¶ 3}** On January 14, 2026, the matter came before a magistrate for a status conference. The magistrate ordered the parties to submit supplemental affidavits in support of temporary orders and ordered the guardian ad litem of the four minor children to submit an interim recommendation. After all the filings were timely submitted, the magistrate issued his temporary order on February 13, 2026.

**{¶ 4}** On April 23, 2026, India filed a Civ.R. 60(B) motion for relief from judgment, seeking relief from the magistrate's temporary order.[1] In her motion, India argued that the reunification counseling ordered by the magistrate was not in the children's best interests and that the guardian ad litem's recommendation was based on insufficient information and lack of investigation. Further, India argued that the guardian ad litem engaged in ex parte communication and behavior that was a breach of confidentiality.

**{¶ 5}** On May 4, 2026, the trial court issued its decision and judgment entry dismissing India's motion for relief from judgment. The trial court reasoned that the magistrate's February 13, 2026 temporary order was not a final judgment, order, or proceeding and that, therefore, India was not entitled to relief pursuant to Civ.R. 60(B).

**{¶ 6}** On June 2, 2026, India filed this appeal.

## II. ASSIGNMENT OF ERROR

**{¶ 7}** India argues the following sole assignment of error:

> The trial court erred and abused its discretion in dismissing appellant's action.

## III. DISCUSSION

**{¶ 8}** Before we can consider India's assignment of error, we first consider whether we have jurisdiction. Pursuant to Ohio Constitution, Article IV, Section 3(B)(2), a reviewing court is conferred jurisdiction to review final, appealable orders from lower courts within their districts. Final, appealable orders are those that " 'dispos[e] of the whole case or some separate and distinct branch thereof.' " *McCracken v. Lee*, 2020-Ohio-3125, ¶ 10 (10th Dist.), quoting *Lantsberry v. Tilley Lamp Co.*, 27 Ohio St.2d 303, 306 (1971). A trial court order is final and appealable only if it meets the requirements of R.C. 2505.02 and, if applicable, Civ.R. 54(B). *Oakley v. Ohio State Univ. Wexner Med. Ctr.*, 2019-Ohio-3557, ¶ 10 (10th Dist.). R.C. 2505.02(B) defines a final order, in relevant part, as:

> An order is a final order that may be reviewed, affirmed, modified, or reversed, with or without retrial, when it is one of the following:

[1] India's motion cites the date of the magistrate's order as February 11, 2026, which the trial court noted was the day the guardian ad litem was to submit an interim recommendation. The magistrate's order, which we take as the subject of India's motion for relief from judgment, was issued on February 13, 2026.

> (1) An order that affects a substantial right in an action that in effect determines the action and prevents a judgment[.]

**{¶ 9}** In *Safe Auto Ins. Co. v. Perry*, 2001 Ohio App. LEXIS 195, *5-6 (10th Dist. Jan. 25, 2001), this court stated:

> Ordinarily, a grant or denial of a genuine Civ.R. 60(B) motion is a final appealable order. However, this rule presumes that the underlying order under challenge by a movant's Civ.R. 60(B) motion is, itself, a final appealable order. *** [A] movant cannot be permitted to use a Civ.R. 60(B) motion to turn "an unappealable event into an appealable event." *** Otherwise, any order of a trial court that is not a final, appealable order could be converted into a final appealable order by the simple expedient of moving, unsuccessfully, for relief from that order. *** The denial of relief from a non-final order is, itself, not a final appealable order. *Wolf v. Associated Materials*, 2000 Ohio App. LEXIS 4023 (Aug. 15, 2000), Ashland App. No. 00COA01350, unreported [citations omitted].

**{¶ 10}** Because India sought relief from an order that was not final, the trial court's denial of that relief was likewise not a final order. We therefore lack jurisdiction to review this matter, and we dismiss India's appeal.

## IV. CONCLUSION

**{¶ 11}** Based on the foregoing, we find the order from which appellant seeks to appeal is not a final, appealable order. Therefore, we dismiss the appeal for lack of jurisdiction.

*Appeal dismissed.*

BEATTY BLUNT and EDELSTEIN, JJ., concur.