

**IN THE COURT OF APPEALS OF OHIO
ELEVENTH APPELLATE DISTRICT
LAKE COUNTY**

DAVID A. LEDET,

Petitioner-Appellee,

and

JESSICA M. LEDET,

Petitioner-Appellant.

CASE NO. 2023-L-069

Civil Appeal from the
Court of Common Pleas,
Domestic Relations Division

Trial Court No. 2020 DI 000282

**MEMORANDUM
OPINION**

Decided: August 21, 2023
Judgment: Appeal dismissed

David A. Ledet, pro se, 177 West South Street, Painesville, OH 44077 (Petitioner-Appellee).

Jessica M. Ledet, pro se, 401 Meadow Lane, Painesville, OH 44077 (Petitioner-Appellant).

JOHN J. EKLUND, P.J.

{¶1} On June 13, 2023, appellant, Jessica M. Ledet, filed a pro se appeal from a May 22, 2023 magistrate’s decision.

{¶2} Initially, we must determine whether there is a final appealable order since this court may entertain only those appeals from final judgments or orders. *Noble v. Colwell*, 44 Ohio St.3d 92, 96 (1989). Under 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. *Germ v. Fuerst*, 11th Dist. Lake No. 2003-L-116, 2003-Ohio-6241, ¶ 3. If a lower court’s order is not final, then an appellate court

does not have jurisdiction to review the matter, and the matter must be dismissed. *Gen. Acc. Ins. Co. v. Ins. Co. of N. Am.*, 44 Ohio St.3d 17, 20 (1989).

{¶3} Pursuant to Civ.R. 53(D)(4)(a), a magistrate’s decision is not effective unless it is adopted by the court. A magistrate’s decision does not become final until the trial court reviews the decision and (1) rules on any objections, (2) adopts, modifies, or rejects the decision, and (3) enters a judgment that determines all the claims for relief in the action. *Wheeler v. Tubbs*, 11th Dist. Lake No. 2008-L-159, 2008-Oio-6411, at ¶ 5. A magistrate’s decision is simply interlocutory until it is adopted by the trial court. *Id.*

{¶4} This court has stated that no final judgment exists where a lower court fails to adopt the magistrate’s decision and enter judgment stating the relief to be afforded because “orders are not court orders unless certain formalities are met.” *In the Matter M.M.*, 11th Dist. Ashtabula No. 2021-A-0010, 2021-Ohio-1695, ¶ 4. Only judges, not magistrates, may terminate actions by entering judgment. *Id.*

{¶5} Here, the May 22, 2023 magistrate’s decision is not a final appealable order, and this court does not have jurisdiction to hear this appeal. Since the magistrate’s decision has not yet been adopted by the trial court, it remains an interlocutory order and may be reconsidered upon the court’s own motion or that of a party. Nothing is preventing appellant from obtaining effective relief through an appeal once the trial court has entered a final judgment in the action.

{¶6} Based upon the foregoing analysis, there is no final appealable order. Accordingly, the instant appeal is dismissed, sua sponte, for lack of jurisdiction.

MARY JANE TRAPP, J.,

EUGENE A. LUCCI, J.,

concur.