

IN THE COURT OF APPEALS
TWELFTH APPELLATE DISTRICT OF OHIO
MADISON COUNTY

CITIBANK, N.A.,	:	CASE NO. CA2026-04-014
Appellee,	:	
vs.	:	<u>OPINION AND</u>
	:	<u>JUDGMENT ENTRY</u>
CHRISTOPHER THOMSON,	:	(Accelerated Calendar)
	:	8/31/2026
Appellant.	:	
	:	

CIVIL APPEAL FROM MADISON COUNTY MUNICIPAL COURT
Case No. CVF2500701

Stenger & Stenger, P.C., and David B. Bokor, for appellee.

Christopher Thomson, pro se.

OPINION

SIEBERT, J.

{¶ 1} Appellant, Christopher Thomson, appeals an action from the Madison County Municipal Court in which appellee, Citibank, N.A., sought to collect an unpaid balance on a credit card debt.

{¶ 2} Upon consideration of the appeal and briefs before this court, and having reviewed the record on appeal, the court notes that this appeal is taken from two "decisions" signed only by a magistrate. We construe these documents as decisions although incorrectly captioned as "entries."

{¶ 3} Under Civ.R. 53(D)(3), magistrates may issue decisions. However, magistrates' decisions are not effective unless adopted by the court. Civ.R. 53(D)(4)(a). The rule also permits magistrates to issue "orders" which, unlike decisions, do not require judicial approval; but the court's approval is not required only where the order is necessary to regulate the proceedings and is not dispositive of a claim or defense of a party. Civ.R. 53(D)(2)(a)(i). The magistrate's decisions are clearly dispositive of this action as they grant judgment to Citibank in a monetary sum with interest. Finally, the two documents are not specifically identified as orders in the captions, which is required under Civ.R. 53(D)(2)(a)(ii). For these reasons, the documents cannot be construed as orders under Civ.R. 53(D)(2) and the only alternative is to treat them as decisions.

{¶ 4} No objections to the magistrate's decisions were filed, and there is nothing in the record indicating the municipal court adopted the magistrate's decisions as orders of the court, entered judgment on them, or took any action otherwise authorized by Civ.R. 53(D)(4).

{¶ 5} Once a magistrate's decision has been filed, the trial court must act upon the decision. *Harkai v. Scherba Industries, Inc.*, 136 Ohio App.3d 211, 218 (2000 9th Dist.). Unless the trial court adopts a magistrate's decision and enters judgment, the magistrate's decision is merely an interlocutory recommendation and is not a final, appealable order. *Carpenter v. Johnson*, 2001-Ohio-4867, ¶ 9 (2nd Dist.).

{¶ 6} In the absence of a final and appealable order, an appellate court has no jurisdiction to review a matter and must dismiss the appeal. *902 Carp Loveland, L.L.C. v.*

Potts, 2026-Ohio-1313, ¶ 11 (12th Dist.). Since the decisions from which this appeal is taken are not final appealable orders, this court lacks jurisdiction and the appeal is hereby dismissed.

{¶ 7} Appeal dismissed.

PIPER, P.J., and M. POWELL, J., concur.

J U D G M E N T E N T R Y

Upon consideration of the appeal and the briefs before this court, and the above Opinion, it is the order of this court that this appeal should be and hereby is dismissed because the order appealed from is not a final appealable order. This court is therefore without jurisdiction.

It is further ordered that a mandate be sent to the Madison County Municipal Court for execution upon this judgment and that a certified copy of this Opinion and Judgment Entry shall constitute the mandate pursuant to App.R. 27.

Costs to be taxed to appellant.

/s/ Robin N. Piper, Presiding Judge

/s/ Mike Powell, Judge

/s/ Melena S. Siebert, Judge