

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE
September 28, 2026

FILED

09/30/2026

Clerk of the
Appellate Courts

IN RE OWEN W.

Appeal from the Juvenile Court for Knox County
No. 209540 Timothy E. Irwin, Judge

No. E2025-01471-COA-R3-JV

Because the order from which the appellant has filed an appeal does not constitute a final appealable judgment, this Court lacks jurisdiction to consider this appeal.

Tenn. R. App. P. 3 Appeal as of Right; Appeal Dismissed

JOHN W. MCCLARTY, P.J., E.S.; THOMAS R. FRIERSON, II, J.; AND WILLIAM E. PHILLIPS II, J.

Margaret Held, Knoxville, Tennessee, for the appellant, David T.

R. Samuel English, Knoxville, Tennessee, for the appellee, Dana W.

MEMORANDUM OPINION¹

The appellant, David T., filed a notice of appeal with this Court on September 24, 2025, which states that the appellant is appealing the September 5, 2025 order of the Knox County Juvenile Court (“trial court”). The September 5, 2025 order states that the trial court reserved the issue of child support in the custody action to be set by the Knox County Child Support Court.

¹ Rule 10 of the Rules of the Court of Appeals provides:

This Court, with the concurrence of all judges participating in the case, may affirm, reverse or modify the actions of the trial court by memorandum opinion when a formal opinion would have no precedential value. When a case is decided by memorandum opinion it shall be designated “MEMORANDUM OPINION,” shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

In response to an administrative order filed in this Court after the appellant appeared to have failed to comply with Tennessee Rule of Appellate Procedure 24, the appellant responded that the notice of appeal was prematurely filed but provided no further detail. This Court subsequently directed the appellant to provide this Court with a status report regarding the pending post-judgment motion. After the appellant failed to respond to this Court's order, the Court entered an order directing the appellant to comply with this Court's order by providing this Court with a status of the pending post-judgment motion.

In response, the appellant responded that the trial court had not yet heard the motion to alter or amend, that the trial court's "Final Order" did not resolve the issue of child support, and that such order was not "a final order." Indeed, this Court has previously held that without a determination regarding child support, a trial court's order is not final. *See Reese v. Reese*, No. E2022-01116-COA-R3-CV, 2023 WL 6157248, at *2 (Tenn. Ct. App. Sept. 21, 2023), *perm. app. denied* (Mar. 6, 2024) ("A parenting plan that does not contain a determination of child support does not define or adjudicate the parties' rights with regard to all of the issues.").

Because it appeared that there was no final judgment in the underlying trial court proceedings, this Court entered a show cause order on June 15, 2026, providing the appellant thirty days to obtain a final judgment or else show cause why this appeal should not be dismissed for lack of subject matter jurisdiction. The appellant has not provided this Court with a file-stamped copy of a final judgment nor has he responded to this Court's show cause order.

A party is entitled to an appeal as of right only after the trial court has entered a final judgment. Tenn. R. App. P. 3(a). A final judgment is a judgment that resolves all the claims between all the parties, "leaving nothing else for the trial court to do." *In re Estate of Henderson*, 121 S.W.3d 643, 645 (Tenn. 2003) (quoting *State ex rel. McAllister v. Goode*, 968 S.W.2d 834, 840 (Tenn. Ct. App. 1997)). An order that adjudicates fewer than all the claims between all the parties is subject to revision at any time before the entry of a final judgment and is not appealable as of right. Tenn. R. App. P. 3(a); *In re Estate of Henderson*, 121 S.W.3d at 645.

The court order from which the appellant seeks to appeal does not constitute a final appealable judgment. Therefore, this Court lacks jurisdiction to consider this appeal. The appeal is hereby dismissed without prejudice for the appellant to file a new appeal after the trial court enters a final judgment in the underlying proceedings. Costs on appeal are taxed to the appellant, David T., for which execution may issue.

PER CURIAM