

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority. Citation is disfavored, but may be permitted in accordance with the provisions of Rule 30(e)(3) of the North Carolina Rules of Appellate Procedure.

IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA22-875

Filed 19 September 2023

Wayne County, No. 21 SPC 1195

IN THE MATTER OF: M.D.G.

Appeal by respondent-appellant from order entered 17 March 2022 by Judge W. Curtis Stackhouse in Wayne County District Court. Heard in the Court of Appeals 23 August 2023.

*Attorney General Joshua H. Stein, by Assistant Attorney General Elizabeth G. Arnette, for the State.*

*Appellate Defender Glenn Gerding, by Assistant Appellate Defender Brandon Mayes, for Respondent-Appellant.*

DILLON, Judge.

Respondent M.D.G.<sup>1</sup> appeals from an order dated 17 March 2022, concluding that he is mentally ill and a danger to himself, and ordering that he “be [] recommitted to the inpatient facility” for a period of 45 days.<sup>2</sup> However, it does not

---

<sup>1</sup> The parties have agreed to use Respondent’s initials to protect his identity.

<sup>2</sup> We acknowledge that Respondent’s period of involuntary commitment has terminated. However, the present appeal is still properly before our Court. *See In re Hatley*, 291 N.C. 693, 695, 231 S.E.2d 633, 635 (1977) (“The possibility that respondent’s commitment in this case might likewise

IN RE M.D.G.

*Opinion of the Court*

appear from the record on appeal that an order was entered. Though the order in the record is signed by a judge, there is no indication that the order was filed with the clerk as the order in the record does not bear a file stamp or any other indication that it was filed. “[A] judgment is entered when it is reduced to writing, signed by the judge, and *filed with the clerk of court.*” N.C. Gen. Stat. § 1A-1, Rule 58 (2021) (emphasis added). Our Court has previously held that Rule 58 applies to orders, as well as judgments, such that an *order* is likewise entered when it is reduced to writing, signed by the judge, and filed with the clerk of court. *Abels v. Renfro Corp.*, 126 N.C. App. 800, 803, 486 S.E.2d 735, 737 (1997); *Watson v. Price*, 211 N.C. App. 369, 370, 712 S.E.2d 154, 155 (2011). Accordingly, “the mere signature on a judgment that has not been entered is an incomplete judgment.” *Webb v. Nash Hospitals, Inc.*, 133 N.C. App. 636, 639, 516 S.E.2d 191, 193 (1999).

“Since entry of judgment is jurisdictional, this Court has no authority to hear an appeal where there has been no entry of judgment.” *In re Estate of Walker*, 113 N.C. App. 419, 438 S.E.2d 426, 427 (1994). “If [the record] fails to disclose the necessary jurisdictional facts we have no authority to do more than dismiss the appeal.” *Mason v. Moore County Bd. of Com’rs*, 229 N.C. 626, 629, 51 S.E.2d 6, 8 (1948).

---

form the basis for a future commitment, along with other obvious collateral consequences, convinces us that this appeal is not moot.”).

IN RE M.D.G.

*Opinion of the Court*

DISMISSED.

Judges ZACHARY and WOOD concur.

Report per Rule 30(e).