

**IN THE COURT OF APPEALS
ELEVENTH APPELLATE DISTRICT
PORTAGE COUNTY, OHIO**

CHERI KUSS,	:	MEMORANDUM OPINION
	:	
Petitioner-Appellee,	:	CASE NO. 2012-P-0023
	:	
- vs -	:	
	:	
THOMAS JASON CLEMENTS,	:	
	:	
Respondent-Appellant.	:	

Civil Appeal from the Court of Common Pleas, Case No. 2010 CV 0904.

Judgment: Appeal dismissed.

Cheri Kuss, pro se, 4396 Edison Road, Kent, OH 44240 (Petitioner-Appellee).

Thomas Jason Clements, pro se, PID: A592422, Grafton Correctional Institution, 2500 South Avon Belden Road, Grafton, OH 44044 (Respondent-Appellant).

DIANE V. GRENDELL, J.

{¶1} This appeal emanates from the Portage County Court of Common Pleas. On February 27, 2012, appellant, Thomas Jason Clements, pro se, filed a notice of appeal. In his notice, appellant indicates that he is appealing the November 30, 2011 judgment entry, in which the trial court denied his motion to vacate.

{¶2} On February 1, 2012, the trial court overruled appellant's motion to reconsider its November 30 entry denying his motion to vacate the civil protection order.

{¶3} The docket in this matter reveals that on June 8, 2010, appellee, Cheri Kuss, filed a petition for a civil protection order, which was granted on November 29,

2010. On November 23, 2011, appellant filed a motion for relief from judgment. The trial court overruled appellant's motion on November 30, 2011. No appeal was filed within thirty days from that judgment entry. Thereafter, on January 9, 2012, appellant filed a motion to reconsider, which was overruled by the trial court in the February 1, 2012 entry.

{¶4} It is well established that the filing of a motion for reconsideration from a final order in the trial court is a nullity. *Pitts v. Ohio Dept. of Transp.*, 67 Ohio St.2d 378, 379, 423 N.E.2d 1105 (1981); *see also, Keyerleber v. Keyerleber*, 11th Dist. No. 2007-A-0010, 2007-Ohio-3018, ¶ 3. Therefore, all judgments or orders from a motion for reconsideration are a nullity. *Pitts* at 380. Thus, the February 1, 2012 judgment of the trial court in the instant matter overruling appellant's motion for reconsideration is a nullity and cannot properly be appealed.

{¶5} Furthermore, the filing of a motion for reconsideration does not extend the time for filing an appeal from a final judgment. *Id.* at 380. An appeal from either the November 29, 2010 civil protection order or the November 30, 2011 entry denying appellant's motion to vacate, which are the only final appealable orders listed on the trial court docket, is untimely.

{¶6} Based upon the foregoing analysis, this appeal is hereby dismissed, sua sponte, for lack of a final appealable order.

{¶7} Appeal dismissed.

CYNTHIA WESTCOTT RICE, J.,
THOMAS R. WRIGHT, J.,
concur.