

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

RODGER M. AND IRENE S. WORK INC. dba NELSON LEDGE ESTATES,	:	MEMORANDUM OPINION
	:	
Plaintiff-Appellee,	:	CASE NO. 2016-P-0063
	:	
- vs -	:	
	:	
PATRICK ABELA AND OCCUPANTS,	:	
	:	
Defendant-Appellant.		

Civil Appeal from the Portage County Municipal Court, Ravenna Division, Case No. 2014 CVG 01611R.

Judgment: Appeal dismissed.

James R. Eskridge, Megargel & Eskridge Co., L.P.A., 231 South Chestnut Street, Ravenna, OH 44266 (For Plaintiff-Appellee).

Patrick Abela, pro se, 10348 Knowlton Road, Garrettsville, OH 44231 (Defendant-Appellant).

CYNTHIA WESTCOTT RICE, P.J.

{¶1} This matter is before this court on the October 17, 2016 pro se notice of appeal filed by, appellant, Patrick Abela. On the notice, appellant does not indicate, nor did he attach, the judgment entry being appealed. Instead, attached to his notice of appeal is a handwritten letter from September 21, 2016, indicating that appellant “followed the directions from the Ohio Bar.” He also indicated in a letter to the Portage County Municipal Court that he “does not want to hear about time frames. [He] was instructed wrong by the Ohio Bar. 30 days AFTER ALL-----ALL judgments are FINAL.”

{¶2} On December 5, 2016, appellee, Rodger M. and Irene S. Work Inc. dba Nelson Ledge Estates, filed a motion to dismiss the appeal as untimely.

{¶3} The trial court docket shows that appellee filed a complaint for eviction against appellant. The magistrate issued a decision granting a writ of restitution, which was adopted by the trial court. Appellant objected to the magistrate's decision, and in an entry dated November 3, 2014, the trial court overruled appellant's objections and ordered that the writ of restitution shall be issued. On April 21, 2015, appellee filed a "Notice of Dismissal" pursuant to Civ.R. 41(A).

{¶4} Appellant filed his first notice of appeal on May 22, 2015, and on August 31, 2015, this court dismissed that appeal as untimely. *Nelson Ledge Estates v. Abela*, 11th Dist. Portage No. 2015-P-0036, 2015-Ohio-3553. The trial court docket confirms that since that decision, there has been nothing issued by the trial court. The instant appeal, which was filed on October 17, 2016, was the next item listed on the docket. Appellant did not attach the judgment entry being appealed to his notice of appeal pursuant to App.R. 3(D) and Loc.R. 3(D)(2).

{¶5} Assuming that appellant is appealing the same entry as he did in his last appeal, appellee is correct that it is untimely pursuant to App.R. 4(A). Furthermore, in addition to being filed out of the 30-day time frame, this is a duplicative appeal of the appellant's previous appeal in 11th Dist. Portage No. 2015-P-0036.

{¶6} Furthermore, appellant's assertion that he followed the directions of the Ohio Bar is misplaced in this matter. The trial court docket reflects that on March 4, 2015, appellant abandoned the property. Because appellant has abandoned the property and did not obtain a stay of execution, no relief can be granted to appellant in this case.

{¶7} Based upon the foregoing, appellee's motion to dismiss the appeal is hereby granted, and this appeal is dismissed as untimely and as being a duplicate appeal.

{¶8} Appeal dismissed.

TIMOTHY P. CANNON, J.,

THOMAS R. WRIGHT, J.,

concur.