

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE
Assigned on May 13, 2011

MARK H. RUTH, v. ROBIN M. RUTH

**Appeal from the Circuit Court for Blount County
No. E22041 Hon. Jon Kerry Blackwood, Sr. Judge**

No. E2010-02656-COA-R3-CV - FILED - May 24, 2011

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

HERSCHEL PICKENS FRANKS, P.J., CHARLES D. SUSANO, JR., J., and D. MICHAEL SWINEY, J.

Robin M. Ruth, Knoxville, Tennessee, *pro se*.

Mark H. Ruth, Knoxville, Tennessee, *pro se*.

MEMORANDUM OPINION¹

This appeal is before the Court due to the failure of appellant to respond to a Show Cause Order in this Court as to why the appeal should not be dismissed as premature.

The Show Cause Order in this Court said:

¹The Court of Appeals' Rules provide:

Rule 10. Memorandum Opinion

(b) 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 When a case is decided by memorandum opinion it shall be designated "MEMORANDUM OPINION," shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

A review of the record reveals that the order from which the appellant seeks review is not a final judgment from which an appeal as of right would lie. See Tenn. R. App. P. 3(a). "A judgment of contempt fixing punishment is a final judgment from which an appeal will lie." Hall v. Hall, 772 S.W.2d 432, 436 (Tenn. Ct. App. 1989), per. to appeal denied. (Tenn. May 30, 1989). "However, a judgment of contempt without the designation of punishment is not a final appealable judgment." Id. The contempt judgment at issue in this case reserves "for a period of two (2) years from the date of entry of th[e] Order" the issue of "[f]urther punishment" other than the taxation to the appellant of all attorney's fees and costs associated with the contempt proceedings.

Appellant failed to respond to this Show Cause Order, and we order this appeal dismissed as premature, with the cost of the appeal assessed to Robin M. Ruth.

PER CURIAM