

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

JENNIFER THOMASON,	:	<b>MEMORANDUM OPINION</b>
Plaintiff-Appellee,	:	
- vs -	:	<b>CASE NO. 2011-L-069</b>
MARC PASSALACQUA,	:	
Defendant-Appellant.	:	

Civil Appeal from the Court of Common Pleas, Juvenile Division, Case No. 2006 UR 00073.

Judgment: Appeal dismissed.

*Jennifer Thomason*, pro se, 904 Bowen Avenue, Modesto, CA 95350 (Plaintiff-Appellee).

*Marc Passalacqua*, pro se, PID: A583832, Belmont Correctional Institution, P.O. Box 540, St. Clairsville, OH 43950 (Defendant-Appellant).

CYNTHIA WESTCOTT RICE, J.

{¶1} This appeal emanates from the Lake County Court of Common Pleas, Juvenile Division. On May 27, 2011, appellant, Marc Passalacqua, pro se, filed a notice of appeal. He failed to attach the entry from which he is appealing to his notice of appeal. However, upon examining the notice of appeal, it appears that appellant is attempting to appeal the child support calculation, which was determined by the trial court in an April 19, 2011 entry.

{¶2} A review of the record reveals that a magistrate's decision was issued on April 4, 2011. On April 19, 2011, the trial court issued a child support order. On April

27, 2011, appellant filed an objection to the April 4 magistrate's decision, which the trial court overruled on May 19, 2011, as being untimely filed. Subsequently, on May 27, 2011, appellant filed the instant appeal. There was no indication in the notice of appeal that the May 19 entry was being appealed. Since appellant refers to the child support calculation order in his notice of appeal, appellant clearly is appealing the entry of April 19, 2011. Thus, his appeal is untimely.

{¶3} Pursuant to Juv.R. 40(D)(3)(b)(i), objections to a magistrate's decision are to be filed within fourteen days from the filing of the decision. Therefore, appellant had fourteen days from April 4, or until April 18, 2011, to file objections to the magistrate's decision. The April 27 objection was clearly untimely. The trial court issued its final order on April 19, 2011. It was from that order that appellant was required to initiate his appeal within thirty days to preserve a timely merit issue for review. See *In re: D.K.K.*, 2d Dist. No. 2006-CA-4, 2006-Ohio-5576, at ¶19. Hence, appellant's appeal was due to be filed on May 19, 2011.

{¶4} According to App.R. 4(B)(2), the notice of appeal time could have been extended as to an appeal from the child support order had appellant filed a timely objection to the April 4 magistrate's decision. Here, since the objection was untimely filed, the May 19 entry overruling it did not extend the notice of appeal time.

{¶5} Based on the foregoing, this appeal is hereby sua sponte dismissed pursuant to App.R. 4(A).

{¶6} Appeal dismissed.

TIMOTHY P. CANNON, P.J.,

THOMAS R. WRIGHT, J.,

concur.