Court of Appeals, State of Michigan

ORDER

JOHN EARL HAGGARD JR V JESSICA C WALKER

Docket No. **379665**

LC No. **2021-063727-DC**

Michael F. Gadola, Chief Judge, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction. The claim of appeal was not timely filed from the trial court referee order entered in the trial court register of actions on December 18, 2025. Contrary to the apparent implication of the statement regarding timeliness in appellant's jurisdictional checklist the latest that order can be considered to be entered under the definition of "entry" in MCR 7.204(A) is the December 18, 2025 date it was entered in the register of actions. And the claim of appeal was not timely filed from the December 18, 2025 order under MCR 7.204(A)(1)(d) because no motion for postjudgment relief was filed within the initial 21-day appeal period, i.e., by January 8, 2026, and the trial court did not extend the time for filing such a motion within the initial 21-day appeal period. Also, the February 10, 2026 order is plainly not a final order under any definition provided by MCR 7.202(6)(a). In that regard, a trial court's certification of an order as final is not controlling. *John J Fannon Co v Fannon Products LLC*, 269 Mich App 162, 165 n 2; 712 NW2d 731 (2005). Dismissal is without prejudice to the filing of a delayed application for leave to appeal under MCR 7.205(A)(4), provided such a filing meets all requirements under the court rules and is not time-barred.

The motion to waive fees is GRANTED for this case only.

A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

March 13, 2026
Date

Chief Clerk