

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

Swiecicki v. Swiecicki

2026-Ohio-1229 · No. 2026-P-0012 · Decided April 6, 2026

OPINION

PER CURIAM.

[Cite as Swiecicki v. Swiecicki, 2026-Ohio-1229.] IN THE COURT OF APPEALS OF OHIO ELEVENTH APPELLATE DISTRICT PORTAGE COUNTY JEFFREY A. SWIECICKI, CASE NO. 2026-P-0012 Petitioner-Appellant, Civil Appeal from the - vs - Court of Common Pleas LISA M. SWIECICKI, Trial Court No. 2024 DR 00197 Petitioner-Appellee. MEMORANDUM OPINION AND JUDGMENT ENTRY Decided: April 6, 2026 Judgment: Appeal dismissed Jeffrey A. Swiecicki, pro se, 500 Treeside Drive, Stow, OH 44224 (Petitioner-Appellant).

Emily M. Rajah, Folan & Rajah, 122 North Prospect Street, Ravenna, OH 44266 (For Petitioner-Appellee). ROBERT J. PATTON, J. {¶1} Appellant, Jeffrey A. Swiecicki, filed a pro se appeal from a February 6, 2026 Magistrate’s Decision. Appellee, Lisa M. Swiecicki, filed a motion to dismiss the appeal for lack of jurisdiction, and no opposition was filed. {¶2} Since this court may only entertain those appeals from final judgments, we must determine whether there is a final appealable order.

Noble v. Colwell, 44 Ohio St.3d 92, 96 (1989). A trial court’s judgment can be immediately reviewed by an appellate court only if it constitutes a “final order” in the action. Ohio Const., art. IV, § 3(B)(2); Radic v. Sternadel, 2025-Ohio-4527, ¶ 2 (11th Dist.). If a lower court’s judgment is not final, then this court does not have jurisdiction to review the case, and the case must be dismissed.

Gen. Acc. Ins. Co. v. Ins. Co. of N. Am., 44 Ohio St.3d 17, 20 (1989). {¶3} R.C. 2505.02(B) defines a “final order” and sets forth seven categories of appealable judgments, and if a trial court’s judgment satisfies any of them, it will be deemed a “final order” and can be immediately appealed and reviewed.

In this case, the February 6, 2026 Magistrate’s Decision being appealed does not fit within any of the categories for being a final order under R.C. 2505.02(B) and did not dispose of all claims. {¶4} Pursuant to Civ.R. 53(D)(4)(a), a magistrate’s decision is not effective unless it is adopted by the court. Furthermore, a magistrate’s decision is not final until a trial court reviews it and the trial court (1) rules on any objections, (2) adopts, modifies, or rejects the decision, and (3) enters a judgment that determines all of the claims for relief in the matter.

Radic, supra, at ¶ 6. This court has maintained that no final judgment exists if the trial court fails to adopt the magistrate's decision and enter judgment stating the relief to be afforded because an order is not a court order unless certain formalities are met. Id. at ¶ 7. Only judges, not magistrates, terminate cases by entering judgments. Id. Therefore, a magistrate's decision is simply interlocutory until the trial court adopts it.

Id. at ¶ 6. {¶5} Here, the February 6, 2026 Magistrate's Decision is not final and appealable, and we do not have jurisdiction to hear this appeal. Since the trial court has not yet adopted the magistrate's decision, it remains an interlocutory order and may be reconsidered upon the court's own motion or that of a party. {¶6} Based upon the foregoing analysis, appellee's motion to dismiss is hereby granted, and this appeal is dismissed.

However, nothing is preventing appellant from PAGE 2 OF 4 Case No. 2026-P-0012 obtaining effective relief through an appeal once the trial court has entered a final judgment in the action. {¶7} Accordingly, this appeal is dismissed for lack of jurisdiction. MATT LYNCH, P.J., EUGENE A. LUCCI, J., concur. PAGE 3 OF 4 Case No. 2026-P-0012 JUDGMENT ENTRY For the reasons stated in the memorandum opinion of this court, appellee's motion to dismiss is granted, and this appeal is hereby dismissed for lack of jurisdiction.

Costs to be taxed against appellant. JUDGE ROBERT J. PATTON PRESIDING JUDGE MATT LYNCH, concurs JUDGE EUGENE A. LUCCI, concurs THIS DOCUMENT CONSTITUTES A FINAL JUDGMENT ENTRY A certified copy of this opinion and judgment entry shall constitute the mandate pursuant to Rule 27 of the Ohio Rules of Appellate Procedure. PAGE 4 OF 4 Case No. 2026-P-0012