

Circuit Court for Prince George's County
Case No. CAS22-09512

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1863

September Term, 2023

ANDREW UCHEOMUMU

v.

ESTHER PETER

Berger,
Albright,
Wilner, Alan M.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Berger, J.

Filed: December 23, 2024

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

This appeal arises from an order denying exceptions to recommendations of a magistrate in an action for the payment of child support. Because the order from which the appeal was noted was not a final judgment, this Court lacks jurisdiction and must dismiss the appeal.

FACTS AND PROCEEDINGS

Andrew Ucheomumu, appellant, and Esther Peter, appellee, are the parents of a minor child, who was born in 2016. In April of 2022, Mr. Ucheomumu was granted sole legal and physical custody of the parties' child. On May 24, 2022, Mr. Ucheomumu filed an action for child support against Ms. Peter in the Circuit Court for Prince George's County.

A child support hearing was held before a magistrate on December 12, 2022. Following the hearing, the magistrate recommended that Ms. Peter be ordered to pay \$1,618.00 per month in child support from June 2022 to November 2022, and \$768.00 per month thereafter. On December 22, 2022, Mr. Ucheomumu filed exceptions to the magistrate's recommendations.

On January 10, 2023, the court entered an order for child support per the magistrate's recommendation. On January 17, 2023, Mr. Ucheomumu moved to strike that order on the ground that he had filed timely exceptions. The court granted the motion, vacated the order for child support, and directed that an exceptions hearing be scheduled.

The court held a hearing on exceptions on June 29, 2023. On November 22, 2023, the court entered an order denying the exceptions. On November 26, 2023, Mr. Ucheomumu filed this appeal from that order.

On January 10, 2024, Mr. Ucheomumu filed a petition for contempt, in which he alleged that Ms. Peter was in violation of an order to pay child support. On April 12, 2024, a contempt hearing was held before a magistrate. The magistrate found that the court had not yet signed the order for child support and, therefore, the petition was prematurely filed. The magistrate recommended that the petition for contempt be dismissed without prejudice and referred the matter to the judge that presided over the exceptions hearing “for appropriate action.”

On May 1, 2024, the court signed two orders: an order dismissing the petition for contempt without prejudice, and an order for child support which adopted the magistrate’s recommendations. The order for child support was entered on the court’s docket on May 2, 2024. Mr. Ucheomumu did not file an appeal from that order.

DISCUSSION

“[U]nless constitutionally authorized, appellate jurisdiction ‘is determined entirely by statute,’ and therefore, a right of appeal only exists to the extent it has been ‘legislatively granted.’” *Mayor & City Council of Baltimore v. ProVen Mgmt., Inc.*, 472 Md. 642, 665 (2021) (quoting *Gisriel v. Ocean City Bd. of Supervisors of Elections*, 345 Md. 477, 485, (1997)). “Whether a matter is appealable is a jurisdictional matter and may be raised by an appellate court even if not noted by the parties.” *Gruber v. Gruber*, 369 Md. 540, 546 (2002) (citation omitted). “[P]arties cannot confer jurisdiction on our Court, and we must dismiss a case *sua sponte* on a finding that we do not have jurisdiction.” *Johnson v.*

Johnson, 423 Md. 602, 606 (2011) (quoting *Miller and Smith v. Casey PMN, LLC*, 412 Md. 230, 240 (2010)).

Subject to limited exceptions not applicable here,¹ a party may take an appeal to this Court “only from a ‘final judgment entered in a civil or criminal case by a circuit court.’” *O’Brien v. O’Brien*, 367 Md. 547, 554 (2002) (quoting Md. Code, Courts and Judicial Proceedings Article, § 12-301). To constitute a final judgment, a ruling of the court

must have at least three attributes: (1) it must be intended by the court as an unqualified, final disposition of the matter in controversy, (2) unless the court properly acts pursuant to Md. Rule 2–602(b), it must adjudicate or complete the adjudication of all claims against all parties, and (3) the clerk must make a proper record of it in accordance with Md. Rule 2–601.

In re C.E., 456 Md. 209, 221 (2017) (quoting *Rohrbeck v. Rohrbeck*, 318 Md. 28, 41 (1989)). The purpose of the final judgment rule is to “‘promote judicial economy and efficiency’ by preventing piecemeal appeals after every order or decision by a trial court.” *Id.* (quoting *Sigma Reprod. Health Ctr. v. State*, 297 Md. 660, 665 (1983)).

A magistrate is not vested with judicial powers, and their recommendations are advisory only. *O’Brien*, 367 Md. at 554. The court may proceed to enter an order or judgment where no exceptions to the recommendations are filed. *Id.* at 555. Where exceptions are filed, the court “must rule upon the exceptions, either by sustaining or overruling them, *and it must then enter an appropriate order consistent with that ruling.*”

¹ There are three exceptions to the final judgment requirement: “(1) appeals from interlocutory orders specifically allowed by statute; (2) immediate appeals permitted under Maryland Rule 2–602; [and] (3) . . . appeals from interlocutory rulings allowed under the common law collateral order doctrine.” *In re: C.E.*, 456 Md. 209, 221 (2017) (quoting *Salvagno v. Frew*, 388 Md. 605, 615 (2005)).

Id. at 555 (emphasis in original). A ruling that merely sustains or overrules exceptions to recommendations of a magistrate is not a final judgment for purposes of appellate jurisdiction, “even if the parties and the court believe that, for practical purposes, the case is over.” *O’Brien*, 367 Md. at 555-56. The case “is not over until a judgment, entered in conformance with Rule 2-601, is signed and entered on the docket.” *Id.* at 556. An appeal filed before final judgment is entered is premature and should be dismissed. *Id.*

The order from which this appeal was noted is not a final judgment, as it merely overruled Mr. Ucheomumu’s exceptions to the magistrate’s recommendations. Consequently, this Court has no jurisdiction to render a decision and must dismiss the appeal. *See Johnson, supra*. Because no appeal was taken from the final judgment entered on May 2, 2024, that order is not before us for appellate review.

**APPEAL DISMISSED. COSTS TO BE PAID
BY APPELLANT.**