

**IN THE COURT OF APPEALS  
FIRST APPELLATE DISTRICT OF OHIO  
HAMILTON COUNTY, OHIO**

JESSIE H. FLEETWOOD,	:	APPEAL NO. C-190025
Plaintiff-Appellee,	:	TRIAL NO. DR-1402152
vs.	:	<i>JUDGMENT ENTRY.</i>
LAJUAN FLEETWOOD,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

In 2014, during the dissolution of their marriage, Lajuan Fleetwood and Jessie Fleetwood both agreed to share parenting of their three children. However, after certain inappropriate and aggressive actions by Mr. Fleetwood, Ms. Fleetwood moved to terminate the shared parenting plan. While awaiting the hearing on this motion, the court, upon Ms. Fleetwood's request, temporarily suspended Mr. Fleetwood's parenting time and contact with his three children. On September 13 and 15, 2017, the parties resolved all the parenting issues, submitting to the court two agreed entries, which the court incorporated into its September 22 order. Within these agreed entries, the parties agreed to terminate the shared parenting plan, designate Ms. Fleetwood the sole residential parent and legal custodian of the children, and provide Mr. Fleetwood with a detailed reunification plan that, if followed, would allow him to resume contact and parenting time with the children.

In the wake of these agreed entries, Mr. Fleetwood filed numerous motions asking the court to lift the no contact requirement despite his noncompliance with the

reunification plan. Mr. Fleetwood now appeals the court's January 3, 2019 entry, denying his request to remove the no contact order and contempt order and for Judge Searcy to recuse herself, advancing six assignments of error.

As a preliminary matter, from the best we can tell, Mr. Fleetwood seemingly uses all six of his assignments of error to highlight examples of specific judicial acts taken by Judge Searcy that support his belief that she was biased throughout this case, and therefore erred in denying his motion for recusal. However, in a recent decision by this court, we discussed at length our lack of jurisdiction to review a common pleas court's decision to overrule a motion for recusal. *See State v. Carter*, 1st Dist. Hamilton No. C-170655, 2019-Ohio-1749, ¶ 23 (“We have no jurisdiction to review the matter of disqualification of a common pleas court judge.”). Therefore, as to any challenges that Judge Searcy improperly failed to recuse herself, the proper channel is filing an affidavit of disqualification with the clerk of the Ohio Supreme Court, not an appeal to this court—unless the alleged “judicial bias is inextricably intertwined with another claim.” *See* R.C. 2701.03(A); *Carter* at ¶ 20-23 (finding Article IV, Section 5(C) of the Ohio Constitution vests “in the chief justice or the chief justice’s designee the ‘exclusive’ or ‘sole’ authority to pass on the matter of disqualification of a common pleas court judge.”). Accordingly, as Mr. Fleetwood fails to assert Judge Searcy’s judicial bias is “inextricably intertwined” with another claim, we lack jurisdiction to review any of his challenges regarding Judge Searcy’s disqualification.

Turning to his first and third assignments of error, Mr. Fleetwood challenges two aspects of the court's September 22 order, which incorporated the parties agreed-upon September 13 and 15 entries. Specifically, as to his first assignment of error, he asserts that the court violated his parental rights guaranteed by the due process clause by ordering no contact between Mr. Fleetwood and his three children. Alternatively, in his third assignment of error, he appears to challenge the court's award of attorney's fees and litigation costs. However, as far as we can tell, Mr. Fleetwood does not assign any error to the court's judgment entry now on appeal—denying Mr. Fleetwood's motion to

remove the no contact order. Therefore, because Mr. Fleetwood failed to appeal the September 22 judgment within 30 days, we lack jurisdiction to consider either assignment of error at this time. *See* App.R. 4(A); *In re K.X.*, 10th Dist. Franklin No. 04AP-949, 2005-Ohio-3791, ¶ 9 (holding that because appellant’s assignments of error “relate in large part to matters which have been adjudicated and not appealed,” this court “lacks jurisdiction to consider an appeal of those issues at this time.”).

Similarly, from what we can decipher, we also lack jurisdiction to review Mr. Fleetwood’s remaining assignments of error (to the extent they are independent from the recusal challenge). In this case, relevant to our review, there appears to be two final appealable orders the trial court entered—one on September 22, 2017, and the other on October 12, 2018. In his remaining assignments of error, Mr. Fleetwood challenges various interlocutory orders that merged into these final orders, including the court’s decision to grant Ms. Fleetwood’s protective order and her motion for a continuance. *See Grover v. Bartsch*, 170 Ohio App.3d 188, 2006-Ohio-6115, 866 N.E.2d 547, ¶ 9 (2d Dist.) (“Interlocutory orders \* \* \* are merged into the final judgment.”); *Stokes v. Mills*, 5th Dist. Licking No. 05-CA-131, 2006-Ohio-6233, ¶ 25 (“[T]he trial court’s granting of the protective order in favor of appellee is interlocutory[.]”); *USA Freight, L.L.C. v. CBS Outdoor Group, Inc.*, 2d Dist. Montgomery No. 26425, 2015-Ohio-1474, ¶ 15, quoting *McCoy v. McCoy*, 2d Dist. Greene Nos. 87 CA 76 and 87 CA 81, 1988 WL 53932, \*2 (May 16, 1988) (“[A] motion for continuance is interlocutory in nature.”). However, because he failed to appeal either the September 22 or October 12 entry within 30 days, we lack jurisdiction to review his remaining assignments of error. *See* App.R. 4(A); *In re K.X.* at ¶ 9.

For the foregoing reasons, we lack jurisdiction to review all six of Mr. Fleetwood’s assignments of error, and accordingly we dismiss the appeal.

Further, a certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

**OHIO FIRST DISTRICT COURT OF APPEALS**

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**MYERS, P.J., BERGERON and CROUSE, JJ.**

To the clerk:

Enter upon the journal of the court on November 27, 2019

per order of the court\_\_\_\_\_.

Presiding Judge