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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA25-725

Filed 16 September 2026

New Hanover County, No. 24CVD003590-640

MATTHEW FEEHAN, Plaintiff,

v.

CAROLINAS ORAL & FACIAL SURGERY CENTER, INC., Defendant.

Appeal by plaintiff from order entered 10 January 2025 by Judge Chad E. Hogston in New Hanover County District Court. Heard in the Court of Appeals 12 March 2026.

*Matthew Feehan, pro se plaintiff-appellant.*

*Gordon Rees Scully Mansukhani, LLP, by Mindi L. Schulze and Caitlin A. Mitchell, for defendant-appellee.*

PER CURIAM.

Plaintiff Matthew Feehan appeals the District Court, New Hanover order granting the motion to dismiss the small claims appeal with prejudice by defendant. Upon review of the briefs and the record, we dismiss the appeal for lack of jurisdiction.

Plaintiff filed a complaint in the small claims court. The magistrate ultimately entered a judgment in favor of defendant on 11 September 2024. Plaintiff did not

orally notice appeal at the time of judgment. Plaintiff filed a notice of appeal to the District Court, New Hanover on 25 September 2024. Defendant filed a motion to dismiss the small claims appeal for lack of jurisdiction because plaintiff failed to orally appeal at the time the judgment was entered and did not file a notice of appeal within ten days of the judgment. On 18 November 2024 the trial court heard the motion to dismiss, and on 10 January 2025, the trial court entered an order dismissing the case with prejudice. Plaintiff timely noticed appeal to this Court on 21 January 2025.

The General Assembly established the procedure to seek appeal from a small claims court ruling in section 7A-228. Section 7A-228 states,

After final disposition before a magistrate, the sole remedy for an aggrieved party is appeal for trial de novo before a district court judge or a jury. Notice of appeal may be given orally in open court upon announcement or after a judgment is rendered. If not announced in open court, written notice of appeal must be filed in the office of the clerk of superior clerk within 10 days after a judgment is rendered.

N.C.G.S. § 7A-228 (2024). “A timely notice of appeal is required to confer jurisdiction[.]” *Doe v. City of Charlotte*, 273 N.C. App. 10, 15 (2020). “The jurisdiction of the Court of Appeals is derivative; therefore, if the court from which the appeal is taken had no jurisdiction, the Court of Appeals cannot acquire jurisdiction by appeal.” *Stephens v. John Koenig, Inc.*, 119 N.C. App. 323, 324 (1995) (cleaned up).

In the present case, plaintiff failed to orally appeal the judgment rendered by

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the magistrate. Likewise, plaintiff failed to file a written notice of appeal within ten days of the date judgment was entered. Accordingly, the district court dismissed the appeal, and because of its derivative nature, we also lack jurisdiction to consider this appeal. For the foregoing reasons, we dismiss the appeal for lack of jurisdiction.

DISMISSED.

Panel consisting of Judges GORE, MURRY, and FREEMAN.

Report per Rule 30(e).