

ARKANSAS COURT OF APPEALS

DIVISION III

No. CA09-984

ESTEROSTO, LLC

APPELLANT

V.

RANDY D. KINSEY, ET AL., DIANNA
L. KINSEY, TWIN CITY BANK,
DANIEL FAMILY TRUST, JOHN
OSTIE, SR., ESTATE OF JOHN OSTIE,
SR., PREOLA CONWAY LOCKHART,
ESTATE OF DOLLY MOORE and ELLA
M. BOGARD

APPELLEES

Opinion Delivered MARCH 3, 2010

APPEAL FROM THE PULASKI
COUNTY CIRCUIT COURT
[CV-08-388]

HONORABLE TIM FOX, JUDGE

DISMISSED

RITA W. GRUBER, Judge

We dismiss this appeal for lack of jurisdiction because appellant Esterosto, LLC, failed to file a notice of appeal from the amended order it attempts to appeal. Where no timely notice of appeal is filed after a final order, we lack jurisdiction to review an appeal from that order. *Cruse v. 451 Press, LLC*, 2010 Ark. App. 115, at 3.

This is the second time we have dismissed this case. We explained the basic facts in *Esterosto, LLC v. Kinsey*, 2009 Ark. App. 396. In that opinion, we dismissed Esterosto's appeal for lack of a final order. Several claims remained unresolved, and the trial court's order contained no 54(b) certificate permitting an appeal in spite of the lack of a final order. See Ark. R. Civ. P. 54 (2009). Therefore, we dismissed the appeal on May 13, 2009.

The supplemental record on appeal indicates that Esterosto filed a motion in the trial court on May 29, 2009, requesting the trial court to amend its order to cure the finality problem. On July 14, 2009, the trial court entered an Amended Order essentially identical to its earlier order except that it added two additional paragraphs dismissing the two remaining parties in the case with prejudice. Esterosto did not file a notice of appeal from this Amended Order. While the Amended Order is in the addendum, the only notice of appeal in either the record or the addendum is dated August 13, 2008, and states that the appeal is from an order entered on August 7, 2008—that is, the original order appealed and dismissed in *Esterosto, LLC v. Kinsey*, 2009 Ark. App. 396.

Rule 4(a) of the Arkansas Rules of Appellate Procedure–Civil provides that a notice of appeal shall be filed within thirty days from the entry of the *order appealed from*. The failure to file a timely notice of appeal deprives the appellate court of jurisdiction. *Rossi v. Rossi*, 319 Ark. 373, 374, 892 S.W.2d 246, 246 (1995); *Lee v. Konkel-Swaim*, 73 Ark. App. 429, 431, 43 S.W.3d 767, 769 (2001). It is well settled that jurisdictional issues may be raised sua sponte by this court. *Seidenstricker Farms v. Doss*, 374 Ark. 123, 125, 286 S.W.3d 142, 144 (2008). No notice of appeal was filed from the July 14, 2009, Amended Order. Accordingly, we dismiss the appeal for lack of jurisdiction.

Appeal dismissed.

VAUGHT, C.J., and KINARD, J., agree.