

Cite as 2019 Ark. 301
SUPREME COURT OF ARKANSAS
No.: CV-18-400

WILLIE HUTCHERSON
APPELLANT

V.

DEPUTY WARDEN DYCUS ET AL.
APPELLEES

Opinion Delivered: October 24, 2019

APPEAL FROM THE LEE COUNTY
CIRCUIT COURT
[NO. 39CV-17-106]

HONORABLE E. DION WILSON
JUDGE

APPEAL DISMISSED.

ROBIN F. WYNNE, Associate Justice

Willie Hutcherson appeals from an order of the Lee County Circuit Court denying his motion for a default judgment. Appellees have filed a motion to dismiss the appeal for lack of a final order. Because the order appealed from is not a final, appealable order, we grant appellees' motion to dismiss and dismiss the appeal.

In August 2017, appellant filed a complaint in which he alleged appellees had violated his rights by denying him restroom privileges. On November 7, 2017, appellant filed a motion for default judgment. Appellees responded and opposed the motion, alleging that the complaint had not been properly served, and the claim brought by appellant is barred by sovereign immunity. The circuit court entered an order finding that

appellant had not properly served the complaint and denying the motion for default judgment. This appeal followed.

This court has held that an order denying a motion for default judgment is not appealable under Rule 2(a) of the Arkansas Rules of Appellate Procedure–Civil. *Assocs. Fin. Servs. Co. of Okla. v. Crawford Cty Mem. Hosp., Inc.*, 297 Ark. 14, 759 S.W.2d 210 (1988). Accordingly, appellees’ motion to dismiss is granted, and the appeal is hereby dismissed.

Appeal dismissed.

Special Justice JAY T. TAYLOR joins.

HART, J., not participating.

Willie Hutcherson, pro se appellant.

Leslie Rutledge, Att’y Gen., by: *Maryna O. Jackson*, Ass’t Att’y Gen., for appellee.