

2019 IL App (1st) 170960-U

No. 1-17-0960

Order filed February 15, 2019

Fifth Division

**NOTICE:** This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

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IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST DISTRICT

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BRIDGETTE VILLANUEVA,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellant,	)	Cook County.
	)	
v.	)	No. 14 CH 13562
	)	
TIMOTHY ROBISON and PRIME DEVELOPMENT,	)	
LLC,	)	Honorable
	)	Franklin Ulyses Valderrama,
Defendants-Appellees.	)	Judge, presiding.

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JUSTICE LAMPKIN delivered the judgment of the court.  
Presiding Justice Rochford and Justice Hall concurred in the judgment.

**ORDER**

- ¶ 1 *Held:* The appeal is dismissed for lack of jurisdiction because plaintiff's notice of appeal does not identify the judgment being appealed, and the notice was not filed within 30 days of any judgment issued by the trial court.
- ¶ 2 Plaintiff Bridgette Villanueva appeals *pro se* following litigation in the circuit court in which she challenged her termination from the Chicago Housing Authority (CHA) voucher program. Although the defendants who are named in plaintiff's appellant brief, Timothy Robison

and Prime Development LLC, have not filed a brief in this court, we may consider plaintiff's appeal on the basis of her filing alone. See *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 133 (1976). Because the record does not contain an order of the trial court that is being appealed to this court, this appeal is dismissed for lack of jurisdiction.<sup>1</sup>

¶ 3 The following facts can be gleaned from the record. In 2014, plaintiff's housing benefits were terminated following a CHA administrative hearing. Plaintiff sought administrative review of that decision in the circuit court of Cook County. On January 30, 2015, the circuit court entered an order in case No. 14 CH 13562 affirming the CHA's decision. Plaintiff appealed that ruling to this court. In an order entered on April 14, 2016, this court dismissed plaintiff's appeal for want of prosecution, finding that plaintiff did not file a brief within the time period allowed by supreme court rule. *Villanueva v. HUD/CHA/Contractors/Owners*, No. 1-15-2683 (2016) (dispositional order).

¶ 4 About one year later, on April 14, 2017, plaintiff filed a *pro se* notice of appeal in this court. That notice of appeal lists the same trial court number (No. 14 CH 13562) of the proceeding described above that this court dismissed for want of prosecution in April 2016. The notice of appeal does not include the date of the trial court judgment being appealed. Under "Relief sought from Reviewing Court," plaintiff wrote, "Sanction Lawyers and order Mr. Robison to pay plaintiff \$850,000.00 for broken neck [illegible]." On January 31, 2018, plaintiff

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<sup>1</sup> In adherence with the requirements of Illinois Supreme Court Rule 352(a) (eff. July 1, 2018), this appeal has been resolved without oral argument upon the entry of a separate written order.

filed a *pro se* brief in this court that lists trial court No. 14 CH 13562 as the judgment being reviewed.

¶ 5 This court has an independent duty to review our jurisdiction over an appeal and dismiss when it does not exist. *Vines v. Village of Flossmoor*, 2017 IL App (1st) 163339, ¶ 8. The appellate court's jurisdiction is generally limited to reviewing final orders of the circuit court. *In re Marriage of Verdung*, 126 Ill. 2d 542, 553 (1989). The filing of a notice of appeal "is the jurisdictional step which initiates appellate review." *Niccum v. Botti, Marinaccio, DeSalvo & Tameling, Ltd.*, 182 Ill. 2d 6, 7 (1998), citing 155 Ill. 2d R. 301. Unless there is a properly filed notice of appeal, a reviewing court has no jurisdiction over the appeal and is obliged to dismiss it. See *People v. Anderson*, 375 Ill. App. 3d 121, 131 (2006).

¶ 6 A final judgment in a civil case is appealed by filing a notice of appeal with the clerk of the circuit court within 30 days after the entry of the final judgment appealed from or within 30 days after the entry of the order disposing of the last pending posttrial motion, pursuant to Illinois Supreme Court Rule 303(a)(1) (eff. Jan. 1, 2015). The notice must identify the nature of the order appealed if the appeal is not from a conviction. 210 Ill. 2d R. 606(d). *People v. Lewis*, 234 Ill. 2d 32, 37 (2009). A notice of appeal confers jurisdiction on a court of review to consider only the judgments or parts thereof specified in the notice of appeal. See *People v. Smith*, 228 Ill. 2d 95, 104 (2008). Moreover, in the absence of a timely filed notice of appeal, a reviewing court lacks jurisdiction over the appeal and is obliged to dismiss it. *Periano v. County of Winnebago*, 2018 IL App (2d) 170368, ¶ 15; *Vines*, 2017 IL App (1st) 163339, ¶ 8.

¶ 7 In this case, plaintiff has submitted a 603-page record on appeal documenting her prior litigation with the CHA. Plaintiff's notice of appeal, which was filed on April 14, 2017, does not

identify the judgment being appealed. In addition, the record does not include an order entered by the trial court within 30 days of the April 2017 date on which her notice of appeal was filed. Under these circumstances, we do not have jurisdiction to consider this appeal. See *Smith*, 228 Ill. 2d at 104 (a notice of appeal confers jurisdiction on a court of review to consider only the judgments or parts thereof specified in the notice of appeal).

¶ 8 We briefly note that, even if we found that the merits of this appeal could be reached, plaintiff's brief lacks any legal argument as to the specific claim now being raised. Aside from a handwritten table of contents on the second page of plaintiff's brief, that filing primarily consists of 65 pages of photocopied documents that chronicle her prior dispute with the CHA. From those documents, this court cannot discern plaintiff's legal arguments or any support for the claim of error stated on the notice of appeal.

¶ 9 In conclusion, because plaintiff's notice of appeal does not identify the judgment being appealed, nor was it filed within 30 days from any order of the trial court, this court has no jurisdiction to consider the case. Accordingly, the appeal is dismissed for lack of jurisdiction.

¶ 10 Appeal dismissed.