

Opinion filed February 16, 2012



In The

# Eleventh Court of Appeals

No. 11-12-00013-CV

**ROY E. KIMSEY, JR., INDIVIDUALLY, AND ENERGROWTH, INC.,  
Appellants**

**V.**

**LAW OFFICES OF BILL ALEXANDER, P.C., Appellee**

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**On Appeal from the County Court at Law**

**Midland County, Texas**

**Trial Court Cause No. CC-14,392**

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## MEMORANDUM OPINION

Roy E. Kimsey, Jr., individually, and Energrowth, Inc., defendants below, filed a notice of appeal from the trial court's order granting the plaintiff's motion to retain the case on the docket and the order denying the defendants' motion to dismiss. Upon review of the docketing statement, the notice of appeal, and the trial court's orders, it appeared to this court that the trial court had not entered a final appealable order. Unless specifically authorized by statute, appeals may be taken only from final judgments. *Tex. A & M Univ. Sys. v. Koseoglu*, 233 S.W.3d 835, 840–41 (Tex. 2007); *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191 (Tex. 2001). We notified the

parties by letter dated January 19, 2012, and we requested that appellants respond by February 3, 2012, showing grounds to continue this appeal. Instead of filing a response showing grounds to continue this appeal, appellants filed an original mandamus proceeding<sup>1</sup> on February 2, 2012, which this court denied on February 9, 2012.

We have no jurisdiction to entertain this appeal absent a final judgment. Because appellants have not complied with this court's request to show grounds to continue this appeal and because a final judgment disposing of all claims and all parties has not been entered, we dismiss this appeal. *See* TEX. R. APP. P. 42.3.

Accordingly, the appeal is dismissed for want of jurisdiction.

PER CURIAM

February 16, 2012

Panel consists of: Wright, C.J.,  
McCall, J., and Kalenak, J.

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<sup>1</sup>*In re Roy E. Kimsey, Jr. and Energrowth, Inc.*, Cause No. 11-12-00046-CV.