

DISMISS and Opinion Filed September 26, 2019



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-19-00962-CV

IN THE INTEREST OF S.B., A CHILD

On Appeal from the 469th Judicial District Court
Collin County, Texas
Trial Court Cause No. 469-52424-2016

MEMORANDUM OPINION

Before Chief Justice Burns, Justice Molberg, and Justice Nowell
Opinion by Chief Justice Burns

In the notice of appeal, appellant states she is appealing “from a non-judgment.” By letter dated August 23, 2019, the Court questioned its jurisdiction over this appeal and we instructed appellant to file a letter brief addressing our concern with an opportunity for appellee to respond.

With few exceptions, appellate jurisdiction is limited to appeals from final judgments and orders in which all claims and parties have been disposed. *See Lehman v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001).

Subsequent to the parties’ June 2018 divorce, appellee filed a petition for enforcement and appellant filed a motion for temporary orders pending appeal.¹ In her letter brief, appellant explains the trial court held a hearing on both motions on September 24, 2018 but has yet to make any rulings. Citing to section 27.008(a) of the civil practice and remedies code, appellant asserts

¹ This Court issued its opinion in the appeal from the divorce decree on August 19, 2019. *See Rejina Chatterjee v. Subrata Banerjee*, No. 05-18-01035-CV, 2019 WL 3886655 (Tex. App.—Dallas August 19, 2019, no pet. h.) (mem. op.).

her motion has been overruled by operation of law and she may appeal. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 27.008(a). That section applies only to a motion to dismiss brought under the Texas Citizens' Participation Act, not a motion for temporary orders. *See id.* § 27.003.

Because there is nothing for this Court to review, we dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a).

/Robert D. Burns, III/

ROBERT D. BURNS, III
CHIEF JUSTICE

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**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

IN THE INTEREST OF S.B., A CHILD

No. 05-19-00962-CV

On Appeal from the 469th Judicial District
Court, Collin County, Texas

Trial Court Cause No. 469-52424-2016.

Opinion delivered by Chief Justice Burns.

Justices Molberg and Nowell participating.

In accordance with this Court's opinion of this date, the appeal is **DISMISSED**.

It is **ORDERED** that appellee Subrata Banerjea recover his costs of this appeal from appellant Rejina Chatterjee.

Judgment entered September 26, 2019.