

DISMISS and Opinion Filed August 31, 2021



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

No. 05-21-00498-CV

DELORIS PHILLIPS, Appellant

V.

**TEXAS DEPARTMENT OF INSURANCE DIVISION OF
WORKERS' COMPENSATION, FLEMING COMPANIES, INC.,
BANKERS STANDARD, UNITED PARCEL SERVICE, INC.,
LIBERTY MUTUAL INSURANCE COMPANY,
TEAMSTERS LOCAL UNION 767, AND ESIS, Appellees**

**On Appeal from the 101st Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-21-06299**

MEMORANDUM OPINION

Before Justices Osborne, Pedersen, III, and Nowell
Opinion by Justice Osborne

In her notice of appeal, appellant states that she is appealing from an order orally rendered denying her appointment of counsel. We questioned our jurisdiction over the appeal because, even assuming the trial court has signed an order, such an order is neither a final judgment nor an appealable interlocutory order. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001) (generally appellate courts have jurisdiction only over appeals from final judgments and interlocutory

orders permitted by statute); TEX. CIV. PRAC. & REM. CODE ANN. § 51.014(a) (listing appealable interlocutory orders).

As requested appellant filed a letter brief. She also filed an amended notice of appeal to additionally challenge the trial court's denial of her motion for discovery. Neither an order denying a motion to appoint counsel nor a motion for discovery is an appealable interlocutory order that confers jurisdiction on the Court, and nothing in appellant's letter brief demonstrates our jurisdiction. *See Wilcox v. Wilcox*, No. 05-09-01421-CV, 2010 WL 457434, at *1 (Tex. App.—Dallas Feb. 11, 2010, no pet.) (mem. op.) (order on motion to appoint counsel not appealable); *See Sharma v. Vinmar Int'l, Ltd.*, 231 S.W.3d 405, 422 (Tex. App.—Houston [14th Dist.] 2007, no pet.) (order denying discovery not appealable). Accordingly, we dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a).

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/Leslie Osborne//
LESLIE OSBORNE
JUSTICE



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

JUDGMENT

DELORIS PHILLIPS, Appellant

No. 05-21-00498-CV V.

TEXAS DEPARTMENT OF
INSURANCE DIVISION OF
WORKERS' COMPENSATION,
FLEMING COMPANIES, INC.,
BANKERS STANDARD, UNITED
PARCEL SERVICE, INC.,
LIBERTY MUTUAL INSURANCE
CO., TEAMSTERS LOCAL UNION
767, AND ESIS, Appellees

On Appeal from the 101st Judicial
District Court, Dallas County, Texas
Trial Court Cause No. DC-21-06299.
Opinion delivered by Justice
Osborne. Justices Pedersen, III and
Nowell participating.

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

Judgment entered this 31st day of August, 2021.