

Dismissed and Memorandum Opinion filed February 4, 2010.



In The

**Fourteenth Court of Appeals**

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NO. 14-09-01009-CV

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**ANDREW T. VO d/b/a LARRY VO, VIET LE, TAM VAN LE, AND VO-LE, INC,  
Appellants**

**V.**

**HO KIM DOAN, Appellee**

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**On Appeal from the 129th District Court  
Harris County, Texas  
Trial Court Cause No. 2007-19358**

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**MEMORANDUM OPINION**

This is an attempted appeal from an order declaring a mistrial signed October 20, 2009. The clerk's record was filed on January 7, 2010.

Generally, appeals may be taken only from final judgments. *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). Interlocutory orders may be appealed only if permitted by statute. *Bally Total Fitness Corp. v. Jackson*, 53 S.W.3d 352, 352 (Tex.

2001); *Jack B. Anglin Co., Inc. v. Tipps*, 842 S.W.2d 266, 272 (Tex. 1992) (orig. proceeding). There is no statutory provision to appeal an order granting a mistrial.

On January 12, 2010, notification was transmitted to the parties of this court's intention to dismiss the appeal for want of jurisdiction unless appellant filed a response demonstrating grounds for continuing the appeal on or before January 25, 2010. *See* Tex. R. App. P. 42.3(a). Appellant filed a response acknowledging that no final judgment has been signed in this case. Appellant also stated he did not object to dismissal of the appeal, but he did not waive any other rights to seek review the trial court's order, including by petition for writ of mandamus.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Panel consists of Chief Justice Hedges and Justices Anderson and Christopher.