

Dismissed and Memorandum Opinion filed April 15, 2010.



In The

Fourteenth Court of Appeals

NO. 14-10-00016-CV

NO. 14-10-00137-CV

DARREN D. CHAKER, Appellant

V.

NICOLE P. MATEO, Appellee

**On Appeal from the 247th District Court
Harris County, Texas
Trial Court Cause Nos. 2009-06141 & 2009-70010**

MEMORANDUM OPINION

Appellant filed separate notices of appeal in each case seeking to appeal the trial court's December 15, 2009, order granting appellant's former counsel's motion to withdraw. On March 3, 2010, appellant filed a motion asking this court to stay the proceedings in cause number 2009-70010. Appellant supplemented his motion on March 11, 2010.

No clerk's records have been filed in these appeals during the pendency of the determination of appellant's claim of indigence. *See* Tex. R. App. P. 20.1(i). On March 16, 2010, appellant filed a request for an extension of time to file the record. According to information provided by the Harris County District Clerk's office, a final judgment in cause number 2009-06141 was signed August 5, 2009. Therefore, a notice of appeal filed January 4, 2010, is untimely to invest this court with jurisdiction over cause number 2009-06141. *See* Tex. R. App. P. 26.1. In addition, the order appellant seeks to appeal in cause number 2009-70010 is interlocutory. According to the scheduling order, trial is set for April 19, 2010. Interlocutory orders may be appealed on when permitted by statute. *See Jack B. Anglin Co., Inc. v. Tipps*, 842 S.W.2d 266, 272 (Tex. 1992) (holding that unless specifically authorized by statute, Texas appellate courts may review only final orders or judgments). No statute allows an appeal from an interlocutory ruling on an attorney's request to withdraw.

Accordingly, on March 9, 2010, this court notified the parties of its intention to dismiss the appeals for want of jurisdiction unless any party filed a response demonstrating that this court has jurisdiction over these appeals on or before March 26, 2010. *See* Tex. R. App. P. 42.3(a). On March 26, 2010, appellee filed a response in opposition to appellant's motion for stay and a motion to dismiss the appeal in cause number 2009-70010. Appellee asked that the appeal be dismissed for want of jurisdiction because the order being appealed was not subject to an interlocutory appeal. Appellee also asked for attorney's fees, costs, and expenses as damages.

On April 2, 2010, appellant filed a motion to dismiss and opposition to sanctions. Appellant acknowledged that his appeal is premature. He asserts that sanctions are not appropriate in this case. *See* Tex. R. App. P. 45.

The parties do not address the attempted appeal of cause number 2009-06141. It is clear, however, that the final judgment in that case is no longer subject to appeal.

We grant the motions to dismiss. We deny appellee's motion for sanctions. All other pending motions are denied as moot.

Accordingly, these appeals are ordered dismissed.

PER CURIAM

Panel consists of Chief Justice Hedges and Justices Yates and Boyce.