

Dismissed and Memorandum Opinion filed September 2, 2010.



In The

Fourteenth Court of Appeals

NO. 14-10-00602-CV

**PEDRO DELGADILLO CERDA AND LETICIA MARTINEZ, AS HUSBAND
AND WIFE, Appellants**

V.

**RUSSELL SOLTANI, INDIVIDUALLY AND D/B/A ATLANTIC CAR GROUP,
INC, Appellee**

**On Appeal from the 165th District Court
Harris County, Texas
Trial Court Cause No. 2009-07985**

M E M O R A N D U M O P I N I O N

This is an attempted appeal from an order signed June 15, 2010. The clerk's record was filed on July 19, 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). Appellants attempt to appeal an order granting a motion for new trial. A trial

court has plenary power over its judgment until it becomes final. *Fruehauf Corp. v. Carrillo*, 848 S.W.2d 83, 84 (Tex. 1993). The trial court also retains continuing control over interlocutory orders and has the power to set those orders aside any time before a final judgment is entered. *Id.* An order granting a new trial is an unappealable, interlocutory order. *Id.*

On July 23, 2010, notification was transmitted to the parties of this court's intention to dismiss the appeal for want of jurisdiction unless appellants filed a response on or before August 9, 2010, demonstrating grounds for continuing the appeal. *See* Tex. R. App. P. 42.3(a).

Appellants' response fails to demonstrate that this court has jurisdiction over the appeal.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Panel consists of Justices Anderson, Frost, and Brown.