

Court Of Appeals
Fourth Court of Appeals District of Texas
San Antonio



MEMORANDUM OPINION

No. 04-08-00334-CV

Pamela **MONTEZ**,
Appellant

v.

Ahmed **SAID**,
Appellee

From the 224th Judicial District Court, Bexar County, Texas
Trial Court No. 2007-CI-11657
Honorable Michael Peden, Judge Presiding

PER CURIAM

Sitting: Karen Angelini, Justice
Santee Bryan Marion, Justice
Phylis J. Speedlin, Justice

Delivered and Filed: August 27, 2008

DISMISSED FOR LACK OF JURISDICTION

Appellee has filed a "Motion to Dismiss Frivolous Appeal" and "Request for Just Damages," arguing that we do not have jurisdiction over this appeal and that sanctions should be assessed against "Appellant and/or Olga Brown" for filing this frivolous appeal. We grant the motion in part.

Appellant's notice of appeal states that she is appealing the trial court's order of April 30, 2008, and that this is an accelerated appeal. In his motion to dismiss, appellee argues that the trial court's order is interlocutory and cannot be appealed at this time.

The trial court's order of April 30, 2008, imposed sanctions against appellant and her lawyer for abusing the discovery process. Texas Rules of Civil Procedure 215.1(d) and 215.2(b)(8) each provide that a sanction order "shall be subject to review on appeal from the final judgment." TEX. R. CIV. P. 215.1(d), 215.2(b)(8). According to the clerk's record, no final judgment has been signed at this time. We therefore ordered appellant to show cause in writing why this appeal should not be dismissed for lack of jurisdiction. *See Morales v. Bombardier, Inc.*, No. 11-04-00251-CV, 2004 WL 2610008 (Tex. App.—Eastland 2004, no pet.). Appellant failed to respond.

We, therefore, dismiss this appeal for lack of jurisdiction.¹

PER CURIAM

¹Although requested by appellee, we decline to assess sanctions against Appellant and/or her lawyer.

