



**In the  
Court of Appeals  
Second Appellate District of Texas  
at Fort Worth**

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No. 02-23-00281-CR

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Ex parte David Mason Scott

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On Appeal from the 362nd District Court  
Denton County, Texas  
Trial Court No. F23-2654-362

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Before Sudderth, C.J.; Kerr and Birdwell, JJ.  
Memorandum Opinion by Chief Justice Sudderth

## MEMORANDUM OPINION

Appellant David Mason Scott attempts to appeal from a docket entry noting the denial of his requested habeas relief. Although an order denying pretrial habeas relief is immediately appealable, *see Ex parte Sheffield*, No. PD-1102-20, 2023 WL 4092747, at \*11 (Tex. Crim. App. June 21, 2023), “to be appealable, the order denying relief must be a signed written order.” *Ex Parte Fry*, No. 07-12-00156-CR, 2012 WL 1694362, at \*1 (Tex. App.—Amarillo May 15, 2012, no pet.) (per curiam) (mem. op., not designated for publication). “[A] docket entry, even one signed by the trial judge, is not an appealable written order.” *Ex parte Salim*, Nos. 02-19-00009-CR, 02-19-00010-CR, 2019 WL 490516, at \*1 (Tex. App.—Fort Worth Feb. 7, 2019, no pet.) (per curiam) (mem. op., not designated for publication).

Because we have not received and Appellant has not referenced a written order denying his requested habeas relief, and because such an order is necessary for us to obtain jurisdiction, *see id.*, we warned Appellant that we could dismiss his appeal for want of jurisdiction unless, within ten days, Appellant or any other party showed grounds for continuing it. *See* Tex. R. App. P. 44.3. More than ten days have passed, and we have not received a response.

Accordingly, we dismiss the appeal for want of jurisdiction. *See* Tex. R. App. P. 43.2(f); *Salim*, 2019 WL 490516, at \*1 (dismissing similar appeals from docket entries denying habeas relief); *Ex parte Wiley*, 949 S.W.2d 3, 4 (Tex. App.—Fort Worth 1996, no writ) (same).

/s/ Bonnie Sudderth

Bonnie Sudderth  
Chief Justice

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Tex. R. App. P. 47.2(b)

Delivered: November 22, 2023