

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-15-00606-CV**

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**Jermaine A. Hopkins, Appellant**

**v.**

**Marc Ott, in his Official and Personal Capacities; Hubert “Art” Acevedo, in his Official and Personal Capacities; Anne Morgan; Jannette Goodall; 98th District Court; Cathy Curtis; Stephen Elkins; Mark Washington; Joya Hayes; Austin Police Department; City of Austin Law Department; Office of the City Clerk; City of Austin Human Resources Department; City of Austin Communications and Technology Management; and The City of Austin; Appellees**

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**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 98TH JUDICIAL DISTRICT  
NO. D-1-GN-15-001711, HONORABLE TIM SULAK, JUDGE PRESIDING**

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**NO. 03-15-00626-CV**

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**Jermaine A. Hopkins, Appellant**

**v.**

**Marc Ott, in his Official and Personal Capacities; Hubert “Art” Acevedo, in his Official and Personal Capacities; Anne Morgan; Jannette Goodall; 98th District Court; Stephen Elkins; Mark Washington; Joya Hayes; Austin Police Department; City of Austin Law Department; Office of the City Clerk; City of Austin Human Resources Department; City of Austin Communications and Technology Management; The City of Austin, and Patricia Gutierrez, Appellees**

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**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 98TH JUDICIAL DISTRICT  
NO. D-1-GN-15-001711, HONORABLE DARLENE BYRNE, JUDGE PRESIDING**

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**NO. 03-15-00649-CV**

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**Jermaine A. Hopkins, Appellant**

**v.**

**Jannette Goodall, Appellee**

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**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 98TH JUDICIAL DISTRICT  
NO. D-1-GN-15-001711, HONORABLE ERIC SHEPPERD, JUDGE PRESIDING**

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**NO. 03-15-00650-CV**

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**Jermaine A. Hopkins, Appellant**

**v.**

**Cathy Curtis, Appellee**

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**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 98TH JUDICIAL DISTRICT  
NO. D-1-GN-15-001711, HONORABLE ERIC SHEPPERD, JUDGE PRESIDING**

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**NO. 03-16-00103-CV**

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**Jermaine A. Hopkins, Appellant**

**v.**

**Anne Morgan, Art Acevedo, Joya Hayes, and Mark Washington, Appellees**

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**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 419TH JUDICIAL DISTRICT  
NO. D-1-GN-15-000927, HONORABLE LORA J. LIVINGSTON, JUDGE PRESIDING**

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**NO. 03-16-00108-CV**  
**NO. 03-16-00115-CV**  
**NO. 03-16-00126-CV**

**In re Jermaine A. Hopkins**

**ORIGINAL PROCEEDING FROM TRAVIS COUNTY**

**NO. 03-16-00204-CV**

**Jermaine A. Hopkins, Appellant**

**v.**

**The City of Austin; Marc Ott; Hubert “Art” Acevedo; Elizabeth Alvarado; City of Austin Communications and Technology Management Department; City of Austin Human Resources Department; City of Austin Office of the City Clerk; City of Austin Office of the Police Monitor; City of Austin Law Department; City of Austin Police Department; Eloy del Bosque; Michael “Mike” Cronig; Cathy Curtis; David Douglas; Stephen Elkins; David Escamilla; Margo Frasier; Louis Gonzales; Jannette Goodall; Elizabeth Cary Grace; Marci Graham; Patricia Gutierrez; Joya Hayes; Karen Kennard; Sandra Kim; David Lothery; Brian Manley; Michael McDonald; Andrew Michael; Renee Moore; Anne Morgan; Elaine Nicholson; Catherine Riley; Meghan Riley; Lee Rogers; Allen Smiley; Todd Smith; Ann Spiegel; Cynthia Tom; Desta Walker; Mark Washington; and Beverly West, Appellees**

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 419TH JUDICIAL DISTRICT  
NO. D-1-GN-15-000927, HONORABLE LORA J. LIVINGSTON, JUDGE PRESIDING**

## ORDER AND MEMORANDUM OPINION

### PER CURIAM

These five interlocutory appeals, three petitions for writ of mandamus, and one appeal from a final judgment all arise from the consolidated trial-court cause in which a final judgment has been rendered and appealed from in *Hopkins v. City of Austin*, No. 03-16-00204-CV. Appellant Jermaine A. Hopkins requests that the appellate causes of action be consolidated, while the appellees assert that the final judgment is dispositive of the other appellate causes. We dismiss the interlocutory appeals and one of the mandamus proceedings and all motions pending within them. We leave undisturbed the mandamus proceeding that has previously been denied on its merits. One mandamus proceeding and the appeal from the final judgment will proceed.

Because the relief sought in the four interlocutory appeals filed in 2015 can be pursued in the appeal of the final judgment, we dismiss causes numbered 03-15-00606-CV, 03-15-00626-CV, 03-15-00649-CV, and 03-15-00650-CV without prejudice to the same issues being raised in the appeal of the final judgment. In cause number 03-16-00103-CV, Hopkins challenges a contempt order by interlocutory appeal, but relief from a contempt order is not available through appeal. *Kidd v. Lance*, 794 S.W.2d 586, 587 n.1 (Tex. App.—Austin 1990, orig. proceeding) (citing *Deramus v. Thornton*, 333 S.W.2d 824, 827 (Tex. 1960)) (contempt not resulting in confinement is available only through petition for writ of mandamus); *see also Ex parte Williams*, 690 S.W.2d 243, 243 n. 1 (Tex.1985). Accordingly, we dismiss that appeal. In cause number 03-16-00108-CV, Hopkins seeks mandamus relief from a docket control order. If such relief is available, it is available in the appeal of the final judgment, and we deny that petition for writ of mandamus. We deny all pending motions for relief in these six appellate causes including the motions to consolidate them, except that we will move any clerk's records and reporter's records filed in the interlocutory appeals (Nos. 03-15-00606-CV, 03-15-00626-CV, 03-15-00649-CV, 03-15-00650-CV, and 03-16-00103-CV) into the appeal from the final judgment (No. 03-16-00204-CV). Issues previously raised in

these appellate causes will not be considered unless they are raised in the appeal from the final judgment, appellate cause number 03-16-00204-CV. The brief in that case is due according to the standard briefing schedule in that case.

We previously denied relief on the merits in *In re Hopkins*, No. 03-16-00115-CV (Tex. App.—Austin Feb. 26, 2016, orig. proceeding), and will not dismiss or consolidate that cause with others. In cause number 03-16-00126-CV, Hopkins seeks mandamus relief from a contempt order. Because any relief available from a contempt order not resulting in confinement is available only through mandamus, we will not dismiss the mandamus proceeding as moot or consolidate it with the appeal from the final judgment. *See Kidd*, 794 S.W.2d at 587 n.1. We reserve the possibility of considering the appeal from the final judgment and the mandamus from the contempt order together if that would better serve the interests of justice.

It is ordered on April 29, 2016.

Before Chief Justice Rose, Justices Pemberton and Bourland

No. 03-15-00606-CV	Dismissed
No. 03-15-00626-CV	Dismissed
No. 03-15-00649-CV	Dismissed
No. 03-15-00650-CV	Dismissed
No. 03-16-00103-CV	Dismissed
No. 03-16-00108-CV	Denied

Filed: April 29, 2016