



NUMBER 13-09-00323-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

**HINO ELECTRIC HOLDING COMPANY
D/B/A HINO ELECTRIC POWER COMPANY,**

APPELLANT,

v.

CITY OF HARLINGEN,

APPELLEE.

**On Appeal from the 357th District Court
of Cameron County, Texas.**

MEMORANDUM OPINION

**Before Justices Rodriguez, Garza, and Vela
Memorandum Opinion Per Curiam**

Appellant, Hino Electric Holding Company d/b/a Hino Electric Power Company, attempted to perfect an appeal from an order entered by the 357th District Court of Cameron, County, Texas, in cause no. 2009-03-1952-E. On July 16, 2009, appellee filed a motion to dismiss for lack of jurisdiction. Upon review of the documents before the Court,

it appeared that the order from which this appeal was taken was not a final appealable order. The Clerk of this Court notified appellant of this defect so that steps could be taken to correct the defect, if it could be done. See TEX. R. APP. P. 37.1, 42.3. The Court requested that appellant file a response indicating whether this Court has jurisdiction and if the defect was not corrected, the appeal would be dismissed for want of jurisdiction. Appellant responded that it requested the Court make a determination of the finality of the trial court's order.

The Court, having considered the documents on file and appellant's failure to correct the defect in this matter, is of the opinion that the appeal should be dismissed for want of jurisdiction. See *id.* Appellee's motion to dismiss the appeal for lack of jurisdiction is GRANTED and the appeal is hereby DISMISSED FOR WANT OF JURISDICTION. See *id.* 42.3(b),(c).

PER CURIAM

Memorandum Opinion delivered and filed
this the 17th day of September, 2009.