

NO. 12-16-00313-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

MICHAEL ANTHONY MOORE,
APPELLANT

§ *APPEAL FROM THE 241ST*

V.

§ *JUDICIAL DISTRICT COURT*

TEXAS DEPARTMENT OF
CRIMINAL JUSTICE,
INSTITUTIONAL DIVISION,
APPELLEE

§ *SMITH COUNTY, TEXAS*

MEMORANDUM OPINION
PER CURIAM

Michael Anthony Moore attempts to appeal from the trial court's order denying a motion to reopen his case. On December 2, 2016, this Court notified Moore that his notice of appeal failed to show the jurisdiction of the court, namely, the order being appealed is not an appealable order. *See* TEX. R. APP. P. 37.2. We further notified Moore that his appeal would be dismissed unless the information was amended by January 3, 2017 to show the jurisdiction of this Court. *See* TEX. R. APP. P. 37.2, 44.3.

In his response to our letter, Moore claimed jurisdiction under the Texas Tort Claims Act. However, unless one of the sources of our authority specifically authorizes an interlocutory appeal, we only have jurisdiction over an appeal taken from a final judgment. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). In this case, the order denying Moore's motion to reopen is not a final judgment or appealable interlocutory order. *See Amir-Sharif v. Cadieux*, No. 05-16-00665-CV, 2016 WL 4119689, at *1 (Tex. App.—Dallas July 29, 2016, no pet.) (mem. op.) (dismissing appeal of order denying motion to reopen case for want of jurisdiction). Accordingly, we *dismiss* this appeal for *want of jurisdiction*. *See* TEX. R. APP. P. 42.3(a).

Opinion delivered January 11, 2017.
Panel consisted of Worthen, C.J., Hoyle, J., and Neeley, J.

(PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

JANUARY 11, 2017

NO. 12-16-00313-CV

MICHAEL ANTHONY MOORE,

Appellant

V.

TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION,

Appellee

Appeal from the 241st District Court
of Smith County, Texas (Tr.Ct.No. 01-2102-C)

THIS CAUSE came on to be heard on the appellate record, and the same being considered, it is the opinion of this Court that it is without jurisdiction of the appeal, and that the appeal should be dismissed.

It is therefore ORDERED, ADJUDGED and DECREED by this Court that this appeal be, and the same is, hereby **dismissed for want of jurisdiction**; and that this decision be certified to the court below for observance.

By *per curiam* opinion.

Panel consisted of Worthen, C.J., Hoyle, J. and Neeley, J.