



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

LINDA S. RESTREPO AND CARLOS E. RESTREPO d/b/a COLLECTIVELY RDI GLOBAL SERVICES AND R & D INTERNATIONAL,	§	No. 08-13-00007-CV
	§	Appeal from the
Appellants,	§	County Court at Law No. 5
v.	§	of El Paso County, Texas
ALLIANCE RIGGERS & CONSTRUCTORS, LTD.,	§	(TC# 2012-DCV04523)
Appellee.	§	

MEMORANDUM OPINION

This appeal is before us on our own motion to determine if it should be dismissed for want of jurisdiction. Because there is no appealable order, we dismiss the appeal for want of jurisdiction.

Appellants, Linda S. Restrepo and Carlos E. Restrepo d/b/a Collectively RDI Global Services and R & D International, are attempting to appeal from an order denying their motion to dismiss the underlying suit for want of prosecution. On February 6, 2013, the Clerk of the Court notified Appellants that this order was not an appealable order and notified them of the Court's intent to dismiss for want of jurisdiction unless, within ten days of the notice, a party responded showing grounds to continue the appeal. No response has been filed.

It is well settled that appellate courts have jurisdiction over final judgments, and such interlocutory orders as the Legislature deems appealable by statute. *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001); *Ruiz v. Ruiz*, 946 S.W.2d 123, 124 (Tex.App.--El Paso 1997, no pet.); TEX.CIV.PRAC.&REM.CODE ANN. § 51.014 (West Supp. 2012)(authorizing appeals from certain interlocutory orders). An order denying a motion to dismiss a cause of action for want of prosecution is not a final judgment; it is an interlocutory order. *See De Ayala v. Mackie*, 193 S.W.3d 575, 578 (Tex. 2006)(concluding that an order denying a motion to dismiss an entire proceeding for want of subject-matter jurisdiction is not a final judgment because it does not dispose of a claim that, if asserted independently, would be the proper subject of a lawsuit). Further, there is no statutory provision authorizing an appeal from the denial of a motion to dismiss for want of prosecution. Accordingly, the order at issue here is not appealable. We therefore dismiss the appeal for want of jurisdiction. *See* TEX.R.APP.P. 42.3(a).

March 13, 2013

YVONNE T. RODRIGUEZ, Justice

Before McClure, C.J., Rivera, and Rodriguez, JJ.