

Opinion filed February 2, 2017



In The

Eleventh Court of Appeals

No. 11-17-00015-CR

KEVIN EARL SCOTT, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 104th District Court
Taylor County, Texas
Trial Court Cause No. 18616-B**

MEMORANDUM OPINION

Kevin Earl Scott has filed a pro se notice of appeal from an order denying his motion to recuse Judge Lee Hamilton from the postconviction proceedings below. We dismiss the appeal.

The clerk of this court wrote Appellant on January 20, 2017, and informed him that it did not appear that this court had jurisdiction in this matter. We requested that Appellant respond and show grounds to continue the appeal. We have received

a response from Appellant in which he explains that he is “trying to appeal the decision to deny his motion to recuse.” Appellant further states: “If this is not an appealable issue, appellant asks this court to dismiss his appeal.” An order denying a motion to recuse is not a final, appealable order; it may be reviewed only in an appeal from a final judgment. *Green v. State*, 374 S.W.3d 434, 445 (Tex. Crim. App. 2012). An appeal of the decision to deny a motion to recuse, standing alone, would be improper. *Id.* We have no jurisdiction to entertain this appeal.

Consequently, the appeal is dismissed for want of jurisdiction.

PER CURIAM

February 2, 2017

Do not publish. *See* TEX. R. APP. P. 47.2(b).

Panel consists of: Wright, C.J.,
Willson, J., and Bailey, J.