

Opinion filed September 9, 2021



In The  
**Eleventh Court of Appeals**

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No. 11-21-00167-CR

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**MILTON R. HINSON, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 350th District Court  
Taylor County, Texas  
Trial Court Cause No. 14942-D**

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**MEMORANDUM OPINION**

Milton R. Hinson has filed a pro se notice of appeal from an order denying his motion to disqualify the judge of the trial court. In the notice of appeal, Appellant requests that this court review the ruling made by Presiding Judge Dean Rucker regarding the disqualification of Judge Thomas M. Wheeler. We dismiss the appeal.

When this appeal was filed, the clerk of this court wrote to Appellant and informed him that it did not appear that the order from which he was attempting to

appeal was a final, appealable order. We requested that Appellant respond and show grounds to continue the appeal. Appellant has not filed a response showing any grounds upon which this appeal may be continued.

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). Likewise, an order denying a motion to disqualify is not a final, appealable order and may not be appealed by way of an interlocutory appeal. *Means v. State*, 825 S.W.2d 260 (Tex. App.—Houston [1st Dist.] 1992, no pet.). Because Appellant has attempted to appeal from an interlocutory order denying a motion to disqualify, we have no jurisdiction to entertain this appeal.

We note that Appellant has filed an “omnibus motion” in which he requests (1) an order of transfer to Burnet County Jail, (2) an order for release of the documents filed in the cause below, and (3) an order for release of verbatim transcripts in the cause below. Because we have no jurisdiction to entertain this appeal, we do not reach the merits of Appellant’s omnibus motion, and we dismiss it as moot.

We dismiss this appeal for want of jurisdiction.

PER CURIAM

September 9, 2021

Do not publish.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

Panel consists of: Bailey, C.J.,  
Trotter, J., and Williams, J.