

**DISMISS and Opinion Filed May 2, 2017**



**In The  
Court of Appeals  
Fifth District of Texas at Dallas**

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**No. 05-17-00058-CV**

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**IN THE INTEREST OF E.A., A CHILD**

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**On Appeal from the 470th Judicial District Court  
Collin County, Texas  
Trial Court Cause No. 470-04225-2016**

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**MEMORANDUM OPINION**

Before Chief Justice Wright, Justice Lang-Miers, and Justice Stoddart  
Opinion by Chief Justice Wright

Appellant appeals from the trial court's October 17, 2016 order granting a bill of review and vacating a divorce decree. After reviewing the clerk's record, we questioned our jurisdiction over this appeal because there did not appear to be an appealable order. We instructed appellant to file, by March 3, 2017, a letter brief addressing our concern and cautioned her that failure to do so may result in dismissal of the appeal without further notice. As of today's date, appellant has not responded.

Generally, this Court has jurisdiction only over appeals from final judgments and certain interlocutory orders as permitted by statute. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). A final judgment is one that disposes of all pending parties and claims. *See id.* An order on a petition for bill of review that sets aside a prior judgment but does not dispose of all the issues of the case on the merits is interlocutory in nature and not a final appealable

judgment. *See Kiefer v. Touris*, 197 S.W.3d 300, 302 (Tex. 2006); *Tesoro Petroleum v. Smith*, 796 S.W.2d 705 (Tex. 1990) (per curiam).

In the order, the trial court granted the bill of review and vacated the final decree of divorce without disposing of all the issues of the case on the merits. For this reason, the order is interlocutory and not appealable. *See Kiefer*, 197 S.W.3d at 302; *Tesoro Petroleum*, 796 S.W.2d at 705. Accordingly, we dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a).

/Carolyn Wright/  
CAROLYN WRIGHT  
CHIEF JUSTICE

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**Court of Appeals  
Fifth District of Texas at Dallas**

**JUDGMENT**

IN THE INTEREST OF E.A., A CHILD

No. 05-17-00058-CV

On Appeal from the 470th Judicial District  
Court, Collin County, Texas  
Trial Court Cause No. 470-04225-2016.  
Opinion delivered by Chief Justice Wright.  
Justices Lang-Miers and Stoddart  
participating.

In accordance with this Court's opinion of this date, the appeal is **DISMISSED**.

It is **ORDERED** that appellee Samuel Anyimadu recover his costs of this appeal from appellant Jacqueline Jones.

Judgment entered May 2, 2017.