

Dismissed and Opinion Filed August 28, 2017



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

No. 05-17-00541-CV

JULIO C. PINEDA, Appellant

V.

SOUTHERN MAIL SERVICE INC. AND CORNELIUS LAMONT THOMAS, Appellees

**On Appeal from the 192nd Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-15-09526**

MEMORANDUM OPINION

Before Chief Justice Wright, Justice Francis, and Justice Stoddart
Opinion by Chief Justice Wright

Julio C. Pineda filed his notice of appeal on May 19, 2017. The clerk's record, filed June 23, 2017, reflects suit was originally filed against Southern Mail Service Inc. and Cornelius Lamont Thomas by Maricela Arias, as next friend to Diana Arias, a minor child. The record also reflects Southern Mail filed a third-party petition against Pineda, who then intervened in the suit and asserted a claim against Southern Mail and Thomas. Southern Mail subsequently dismissed its claims against Pineda, and a directed verdict was entered in favor of Southern Mail and Thomas on Pineda's claims against them. Although Pineda appeals from that order, the record does not reflect that an order disposing of Arias's claims against Southern Mail and Thomas has been signed or that Arias's claims have been severed from the claims between Southern Mail and Pineda. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). In light of this, we

sent a letter to the parties asking to address the jurisdictional issue. We cautioned Pineda that the failure to comply with our request could result in dismissal of the appeal. To date, Pineda has not addressed our jurisdictional concerns nor has he otherwise communicated with the Court regarding this appeal.

Because the clerk's record does not reflect an order disposing of all parties and all claims, we dismiss this appeal for want of jurisdiction. *See id.*; 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

JULIO C. PINEDA, Appellant

No. 05-17-00541-CV V.

SOUTHERN MAIL SERVICE INC. AND
CORNELIUS LAMONT THOMAS,
Appellees

On Appeal from the 192nd Judicial District
Court, Dallas County, Texas

Trial Court Cause No. DC-15-09526.

Opinion delivered by Chief Justice Wright,
Justices Francis and Stoddart participating.

In accordance with this Court's opinion of this date, we **DISMISS** this appeal for want of jurisdiction. We **ORDER** Southern Mail Service Inc. and Cornelius Lamont Thomas to recover their costs, if any, of appeal from Julio C. Pineda.

Judgment entered August 28, 2017.