

DISMISS and Opinion Filed January 29, 2018



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

No. 05-17-01426-CV

IN THE INTEREST OF I.C.D.N., A CHILD

**On Appeal from the 305th Judicial District Court
Dallas County, Texas
Trial Court Cause No. A-16-00113-X**

MEMORANDUM OPINION

Before Chief Justice Wright, Justice Evans, and Justice Brown
Opinion by Chief Justice Wright

In her notice of appeal, appellant states she is appealing the trial court's November 21, 2017 order denying her plea to the jurisdiction. By letter dated December 28, 2017, the Court questioned its jurisdiction of this appeal because the interlocutory order does not appear to be appealable. We instructed appellant to file, by January 9, 2018, a letter brief addressing our concern and cautioned that failure to do so may result in dismissal of the appeal without further notice. As of today's date, appellant has not filed a response.

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 person may appeal from an interlocutory order that grants or denies a plea to the jurisdiction by a governmental unit. *See TEX. CIV. PRAC. & REM. CODE ANN.* § 51.014(a)(8) (West Supp. 2017). Appellant, an individual and not a governmental unit, filed the plea to the jurisdiction. *See TEX. CIV. PRAC. & REM. CODE ANN.* § 101.001(3) (West Supp. 2017). Because a

governmental unit did not file the plea to the jurisdiction, the trial court's order denying the plea is not subject to interlocutory appeal. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 51.014(a)(8). Accordingly, we dismiss this 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 I.C.D.N., A CHILD

No. 05-17-01426-CV

On Appeal from the 305th Judicial District
Court, Dallas County, Texas
Trial Court Cause No. A-16-00113-X.
Opinion delivered by Chief Justice Wright.
Justices Evans and Brown participating.

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

It is **ORDERED** that appellees Danghai Ho and Tung Ho recover their costs of this appeal from appellant Cheyenne Nguyen.

Judgment entered January 29, 2018.