

DISMISS and Opinion Filed March 23, 2018



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

No. 05-18-00042-CV

IN THE INTEREST OF C.A., A CHILD

**On Appeal from the 255th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DF-09-02436**

MEMORANDUM OPINION

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

By letter dated February 2, 2018, the Court questioned its jurisdiction over this appeal because it appears there is no final judgment or other appealable order. We instructed appellant to file, by February 16, 2018, a letter brief addressing our concern. We cautioned appellant that failure to comply may result in dismissal of the appeal without further notice. As of today's date, appellant has not responded.

In her notice of appeal, appellant states she is appealing the trial court's judgment signed on December 12, 2017. On that date, the trial judge signed a memorandum setting forth her ruling and instructing the parties to draft an order for her signature.

A memorandum ruling will be accorded final judgment status triggering appellate deadlines if it substantially complies with the requisites of a formal judgment. *See In re CAS Cos., LP*, 422 S.W.3d 871, 875 (Tex. App.—Corpus Christi 2014, orig. proceeding); *In re Newby*, 266 S.W.3d 557, 558 (Tex. App.—Amarillo 2008, orig. proceeding) (per curiam). Specifically, a

memorandum may constitute an order if: (1) it describes the decision with certainty as to parties and effect; (2) it requires no further action to memorialize the ruling; (3) it contains the name and cause number of the case; (4) the court's diction is affirmative rather than anticipatory of a future ruling; (5) it bears a date; (6) it was signed by the court; and (7) it was filed with the district clerk. *See In re CAS Cos.*, 422 S.W.3d at 875.

The memorandum in this case fails to meet two of the requirements. It requires further action by instructing the parties to prepare an order and it was not filed with the district clerk. For these reasons, the memorandum cannot be accorded final judgment status triggering appellate deadlines. 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 C.A., A CHILD

No. 05-18-00042-CV

On Appeal from the 255th Judicial District
Court, Dallas County, Texas

Trial Court Cause No. DF-09-02436.

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 appellee Craig Allen, Sr. recover his costs of this appeal from appellant Sheri Franklin.

Judgment entered March 23, 2018.