

DISMISS and Opinion Filed December 31, 2018



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

No. 05-18-01109-CV

IN THE INTEREST OF R.E. AND F.A.E., CHILDREN

**On Appeal from the 255th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DF-17-06294**

MEMORANDUM OPINION

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

The notice of appeal filed by Father recites he is challenging the trial court's June 26, 2018 final judgment. Because nothing before the Court reflects a final judgment was signed on that date or any other date, we questioned our jurisdiction over the appeal and requested briefing from the parties. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001) (subject to mostly statutory exceptions, appeal may only be taken from final judgment); *see also Martinez v. Humble Sand & Gravel, Inc.*, 875 S.W.2d 311, 313 (Tex. 1994) (per curiam) (appellate timetable runs from date final order or judgment is signed). Father complied; Mother did not respond.

In his jurisdictional brief, Father explains he filed the appeal out of concern that a memorandum ruling signed by the trial court June 26th could be construed as a final judgment.¹

¹ Father asserts a February 7, 2018 memorandum ruling is the final judgment and the June 26th judgment is void because it was signed outside the trial court's plenary power. *See TEX. R. CIV. P. 329b(d),(e)*.

That ruling followed a bench trial, granted the parties a divorce, and described the court's findings. However, it required preparation of an order and cautioned that the case would be dismissed if an order was not presented to the court for signature by a specific day. It is not a final judgment.² *See Greene v. State*, 324 S.W.3d 276, 281-82 (Tex. App.—Austin 2010, no pet.) (letter to parties describing court's findings and asking party to prepare judgment insufficient to serve as appealable order).

Because nothing before us reflects a final judgment has been signed, we dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a); *Lehmann*, 39 S.W.3d at 195.

/Carolyn Wright/
CAROLYN WRIGHT
CHIEF JUSTICE

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² For the same reason, the February 7th ruling is not a final judgment.



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

JUDGMENT

IN THE INTEREST OF R.E. AND F.A.E.,
CHILDREN

No. 05-18-01109-CV

On Appeal from the 255th Judicial District
Court, Dallas County, Texas
Trial Court Cause No. DF-17-06294.
Opinion delivered by Chief Justice Wright.
Justices Evans and Brown participating.

In accordance with this Court's opinion of this date, we **DISMISS** the appeal.

We **ORDER** appellee Maria Imelda Enriquez Torres recover her costs, if any, of this appeal from appellant Armando Enriquez.

Judgment entered December 31, 2018.