

**DISMISS; Opinion Filed November 5, 2019**



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

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**No. 05-19-00865-CV**

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**THOMAS G. BROWN D/B/A/ B & B CONSTRUCTION COMPANY, Appellant  
V.  
FIRST STATE BANK OF TEXAS, Appellee**

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**On Appeal from the 86th Judicial District Court  
Kaufman County, Texas  
Trial Court Cause No. 56631**

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**MEMORANDUM OPINION**

Before Justices Pedersen, III, Reichel, and Carlyle  
Opinion by Justice Carlyle

We questioned our jurisdiction over this appeal from the trial court's July 9, 2019 summary judgment because it appeared the judgment was not final. An appeal may only be taken from judgment disposing of all parties and claims, subject to mostly statutory exceptions. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). The judgment here finally disposed of appellant's claims against appellee but did not dispose of appellant's claims against a third party.

At our request, the parties filed letter briefs addressing our jurisdiction. Appellant's letter directs the majority of its focus at federal criminal statutes as the basis for our jurisdiction. We are not a federal

court. We, and the district court below, are courts of the state of Texas. Federal statutes do not establish our jurisdiction.<sup>1</sup>

Because this appeal is not from a final judgment disposing of all claims against all parties, and because there is no order severing the claims appellant purports to appeal from those that remain, we dismiss the appeal.<sup>2</sup> *See* TEX. R. APP. P. 42.3(a).

/Cory L. Carlyle/  
CORY L. CARLYLE  
JUSTICE

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<sup>1</sup> Appellant fails to even cite to appropriate federal jurisdictional statutes. It appears the gist of appellant's argument is that this court has jurisdiction to decide appeals in cases including causes of action based on federal statutes. This is what is called "federal question" jurisdiction, the authority for which resides in 28 U.S.C. § 1331, and it is the basis for jurisdiction in federal, not state, district court. And federal appeals courts' jurisdiction over final decisions of federal district courts is described by 28 U.S.C. § 1291. But these statutes do not define our jurisdiction as a state court. Appellant's letter response to our jurisdictional question identifies no basis for this court to exercise jurisdiction in this case at this time.

<sup>2</sup> We also deny appellant's motion to consolidate this appeal into a previously dismissed appeal.



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

**JUDGMENT**

THOMAS G. BROWN D/B/A/ B & B  
CONSTRUCTION COMPANY, Appellant

No. 05-19-00865-CV      V.

FIRST STATE BANK OF TEXAS, Appellee

On Appeal from the 86th Judicial District  
Court, Kaufman County, Texas  
Trial Court Cause No. 56631.

Opinion delivered by Justice Carlyle. Justices  
Pedersen, III and Reichek participating.

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

We **ORDER** that appellee First State Bank of Texas recover its costs, if any, of this appeal from appellant Thomas G. Brown d/b/a B & B Construction Company.

Judgment entered this 5<sup>th</sup> day of November, 2019.