

DISMISS and Opinion Filed December 20, 2021



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

No. 05-21-00950-CV

TRACY NIXON, Appellant

V.

STATE OF TEXAS, Appellee

**On Appeal from the 162nd Judicial District Court
Dallas County, Texas
Trial Court Cause No. DF-00-14691**

MEMORANDUM OPINION

Before Justices Pedersen, III, Goldstein, and Smith
Opinion by Justice Smith

The Court questioned its jurisdiction over this appeal after reviewing appellant's notice of appeal. Appellant has been declared a vexatious litigant and is subject to a pre-filing order. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 11.102(a). Appellant appeals from the September 28, 2021 order of the local administrative judge that informs appellant that he does not need permission to defend against claims asserted against him in a pending lawsuit and also notes that he has not sought permission to assert counterclaims or cross-claims in the litigation.

There is no statutory authority permitting the appeal of an order informing a vexatious litigant that he does not need permission to defend against claims asserted

against him in a lawsuit. *See id.* § 11.102(f) (decision denying vexatious litigant permission to file litigation is not grounds for an appeal, except litigant may apply for a writ of mandamus within thirty days of decision).

Although appellant filed a letter brief, nothing therein demonstrates this Court has appellate jurisdiction to review the complained of order. Accordingly, we dismiss the appeal. *See* TEX. R. APP. P. 42.3(a).

/Craig Smith/

CRAIG SMITH
JUSTICE

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

JUDGMENT

TRACY NIXON, Appellant

No. 05-21-00950-CV V.

THE STATE OF TEXAS, Appellee

On Appeal from the 162nd Judicial
District Court, Dallas County, Texas
Trial Court Cause No. DF-00-14691.
Opinion delivered by Justice Smith.
Justices Pedersen, III and Goldstein
participating.

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

Judgment entered December 20, 2021