

DISMISS and Opinion Filed November 7, 2022



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

No. 05-22-00698-CV

IN THE INTEREST OF K.W., A CHILD

**On Appeal from the 468th Judicial District Court
Collin County, Texas
Trial Court Cause No. 468-55854-2017**

MEMORANDUM OPINION

Before Chief Justice Burns, Justice Pedersen, III, and Justice Goldstein
Opinion by Chief Justice Burns

Appellant appeals from the July 13, 2022 order denying his motion to recuse the presiding judge. The record before this Court does not contain a final judgment. The Court questioned its jurisdiction to review the recusal order and directed appellant to file, by September 30, a letter brief addressing the Court's concern. We cautioned appellant that failure to comply may result in dismissal of the appeal without further notice. After granting appellant an extension to October 12, appellant has failed to comply.

With respect to an order denying a motion to recuse, this Court's appellate jurisdiction is limited to review from the final judgment. TEX. R. CIV. P. 18a(j)(1)(A) ("An order denying a motion to recuse may be reviewed only for abuse of discretion

on appeal from the final judgment.”). Because the trial court has not rendered a final judgment, this Court lacks jurisdiction to review the recusal order. *See id.* Accordingly, we dismiss the appeal. *See* TEX. R. APP. P. 42.3(a).

/Robert D. Burns, III/
ROBERT D. BURNS, III
CHIEF JUSTICE

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

JUDGMENT

IN THE INTEREST OF K.W., A
CHILD

No. 05-22-00698-CV

On Appeal from the 468th Judicial
District Court, Collin County, Texas
Trial Court Cause No. 468-55854-
2017.

Opinion delivered by Chief Justice
Burns. Justices Pedersen, III and
Goldstein participating.

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

Judgment entered November 7, 2022