

Opinion issued March 3, 2011



In The
Court of Appeals
For The
First District of Texas

NO. 01-09-01005-CV

CLARENCE LEWIS, III D/B/A MOTOWN MORTGAGE, Appellant

V.

**JOHN L. HICKMAN, J.R., D/B/A THE LIVING WORD FAITH CENTER,
Appellee**

**On Appeal from the 400th District Court
Fort Bend County, Texas
Trial Court Case No. 09-DCV-169880**

MEMORANDUM OPINION

Clarence Lewis III d/b/a Motown Mortgage appeals the trial court's rendering of summary judgment for Bishop John L. Hickman Jr. d/b/a The Living

Word Faith Center. The record shows, however, that Hickman’s counterclaim has not been disposed of by the trial court. Because the order granting summary judgment does not dispose of all claims and all parties, it is not a final order or judgment. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 200 (Tex. 2001). If a trial court has not entered a final and appealable order, we have jurisdiction to hear an interlocutory appeal only if authorized by statute. *Stary v. DeBord*, 967 S.W.2d 352, 352–53 (Tex. 1998). After being notified that this appeal was subject to dismissal and given a opportunity to respond, neither side responded. We therefore dismiss for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a) (allowing involuntary dismissal of case).

This cause is dismissed for want of jurisdiction. All pending motions are denied.

PER CURIAM

Panel consists of Justices Jennings, Higley, and Brown.