

Opinion issued August 25, 2011.



In The
Court of Appeals
For The
First District of Texas

NO. 01-10-00335-CV

CURTIS CALVIN YARBROUGH, Appellant

V.

TEXAS BOARD OF PARDONS AND PAROLES, Appellee

**On Appeal from the 334th District Court
Harris County, Texas
Trial Court Cause No. 2010-12965**

MEMORANDUM OPINION

This is an attempted appeal from an order sustaining a contest to appellant's affidavit of indigence for trial court costs and ordering that appellant pay the costs

of his suit in the trial court. A partial clerk's record was filed so this court could determine its jurisdiction.

Generally, appeals may be taken only from final judgments. *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). Interlocutory orders may be appealed only if authorized by statute. *Bally Total Fitness Corp. v. Jackson*, 53 S.W.3d 352, 352 (Tex. 2001).

Here, the record reveals that no final judgment has been entered in this pending case. The trial court's order that appellant pay the costs of his suit is an interlocutory order. Appellant cites no authority, and we have found none, providing for an interlocutory appeal to be taken these orders. *See generally* TEX. CIV. PRAC. & REM. CODE ANN. § 51.014(a) (West 2008); *see, e.g., Minnfee v. Lexington*, No. 04-09-00770-CV, 2010 WL 381367, at *1 (Tex. App.—San Antonio Feb. 3, 2010, no pet.) (mem. op.) (dismissing appeal of order on motion to rule for costs); *Aguilar v. Texas La Fiesta Auto Sales LLC*, No. 01-08-00653-CV, 2009 WL 1562838, at *1 (Tex. App.—Houston [1st Dist.] June 4, 2009, no pet.) (mem. op.) (dismissing appeal of order sustaining contest to affidavit of indigence for trial court costs).

We may review a challenge to an order sustaining a contest to an affidavit of indigence only when it is made as part of a pending appeal from a final judgment or

other appealable order. *See* TEX. R. APP. P. 20.1; *In re Arroyo*, 988 S.W.2d 737, 738–39 (Tex. 1998).

On June 22, 2011, the Court notified the parties of its intent to dismiss the appeal for want of jurisdiction unless appellant filed a response demonstrating this court’s jurisdiction on or before July 15, 2011. *See* TEX. R. APP. P. 42.3(a). Appellant has not responded.

Accordingly, we dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a), 43.2(f). We dismiss any pending motions as moot.

PER CURIAM

Panel consists of Justices Jennings, Bland, and Massengale.