

Opinion issued January 13, 2011



In The
Court of Appeals
For The
First District of Texas

NO. 01-10-00436-CV

TRACEY WADE MOCK, Appellant
V.
JENNIFER MOCK, Appellee

On Appeal from the 328th District Court
Fort Bend County, Texas
Trial Court Case No. 00-DCV-115920

MEMORANDUM OPINION

In this divorce case, appellant, Tracey Wade Mock, appeals an interlocutory order granting the motion to compel discovery filed by his wife, Jennifer Mock.

The order was signed on April 12, 2010. The record does not reflect that a final judgment has been rendered by the trial court.

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 permitted by statute. *Bally Total Fitness Corp. v. Jackson*, 53 S.W.3d 352, 352 (Tex. 2001).

An order granting a motion to compel discovery is a non-appealable, interlocutory order. *See Jack B. Anglin Co. Inc. v. Tipps*, 842 S.W.2d 266, 272 (Tex. 1992); *see also Christensen v. Christensen*, No. 04-07-00118-CV, 2007 WL 2935560, at *1 (Tex. App.—San Antonio Oct.10, 2007, no pet.) (mem. op.). It is not an appealable interlocutory order as provided by the Civil Practice and Remedies Code. *Cf.* TEX. CIV. PRAC. & REM. CODE ANN. § 15.003(b) (Vernon Supp. 2010), § 51.014 (Vernon 2008), § 171.098 (Vernon 2005).

On September 23, 2010, the Clerk of this Court notified the parties that the Court may dismiss the appeal for want of jurisdiction unless appellant filed a response demonstrating that this Court has jurisdiction of the appeal. *See* TEX. R. APP. P. 42.3(a). Appellant's response was due on or before October 13, 2010. Appellant has not filed a response.

We hold that this Court lacks jurisdiction over appellant's interlocutory appeal of the April 12, 2010 order granting his wife's motion to compel discovery. Accordingly, the appeal is dismissed.

PER CURIAM

Panel consists of Justices Keyes, Higley, and Bland.