

Opinion issued February 24, 2011.



In The
Court of Appeals
For The
First District of Texas

NO. 01-10-00700-CV

MICARA DEVERS, Appellant
V.
SHYRILL GRAYS, Appellee

On Appeal from the 310th District Court
Harris County, Texas
Trial Court Case No. 2006-64644

MEMORANDUM OPINION

Appellant, Micara Devers, attempts to appeal from an order holding her in contempt for failing to comply with a custody order. Because we have no jurisdiction, we dismiss the appeal.

On May 11, 2010, the trial court signed a judgment holding Devers in contempt in the underlying proceeding because of her failure to surrender the minor child, L.G., to his father, appellee Shyrill Grays, as previously ordered. Devers filed a notice of appeal from the judgment of contempt.

However, decisions in contempt proceedings are not appealable. *Ex parte Williams*, 690 S.W.2d 243 n. 1 (Tex. 1985); *Ex parte Cardwell*, 416 S.W.2d 382, 384 (Tex. 1967); *Metzger v. Sebek*, 892 S.W.2d 20, 31-32 (Tex. App.—Houston [1st Dist.] 1994, writ denied); *Mendez v. Attorney Gen. of Texas*, 761 S.W.2d 519, 521 (Tex. App.—Corpus Christi 1988, no writ); *Smith v. Holder*, 756 S.W.2d 9, 10-11 (Tex. App.—El Paso 1988, no writ); *Gensco, Inc. v. Thomas*, 609 S.W.2d 650, 651 (Tex. Civ. App.—San Antonio 1980, no writ); *Anderson v. Burlison*, 583 S.W.2d 467 (Tex. Civ. App.—Houston [1st Dist.] 1979, no writ).

The validity of a contempt order can be attacked only by a writ of habeas corpus. *Williams*, 690 S.W.2d at 243 n. 1; *Wagner v. Warnasch*, 295 S.W.2d 890, 893 (Tex. 1956); *Metzger*, 892 S.W.2d at 31-32; *Saenz v. Saenz*, 756 S.W.2d 93, 95 (Tex. App.—San Antonio 1988, no writ); *Anderson*, 583 S.W.2d at 467; *but see Deramus v. Thornton*, 160 Tex. 494, 497-98, 333 S.W.2d 824, 827 (1960) (stating that there may be circumstances in some contempt proceedings that would make a remedy by habeas corpus inadequate, and that would therefore implicate mandamus relief); *Kidd v. Lance*, 794 S.W.2d 586, 587 n. 1 (Tex. App.—Austin

1990, orig. proceeding) (citing *Deramus* and holding that mandamus is the “only” available remedy where there is no order of confinement); *International Ass’n of Machinists & Aerospace Workers v. Axelson, Inc.*, 593 S.W.2d 362, 363 (Tex. Civ. App.—Texarkana 1979, no writ).

Devers has filed neither a petition for writ of habeas corpus nor a mandamus, but rather seeks to appeal the trial court’s contempt order. Because we have no jurisdiction to consider it, we order the appeal **dismissed**.

PER CURIAM

Panel consists of Justices Keyes, Sharp, and Massengale.