

Opinion issued August 11, 2011.



In The  
**Court of Appeals**  
For The  
**First District of Texas**

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**NO. 01-10-00741-CV**

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**JAIME ROLANDO MONTELONGO, Appellant**

**V.**

**DESIGN TECH COMMERCIAL DISTRIBUTING, L.L.C., Appellee**

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**On Appeal from the County Civil Court at Law No. 4  
Harris County, Texas  
Trial Court Cause No. 940870**

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**MEMORANDUM OPINION**

Jaime Rolando Montelongo appeals from the summary judgment order signed by the trial court on May 28, 2010.

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. The trial court’s “Judgment on Summary Judgment and Default Judgment” awarding appellee remuneration fails to address Montelongo’s counterclaim for breach of contract raised in his “First Supplement to Defendant’s Original Answer (Subject to Motion to Transfer Venue).” The summary judgment is an interlocutory order since it does not dispose of the Montelongo’s counterclaim for breach of contract. Consequently, the order granting appellee’s motion for summary judgment remains an interlocutory order until the trial court disposes of Montelongo’s counterclaim.

On January 24, 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 February 7, 2011. *See* TEX. R. APP. P. 42.3(a). Appellant has not filed a response.

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

**PER CURIAM**

Panel consists of Chief Justice Radack and Justices Sharp and Brown.