

Opinion issued December 1, 2011.



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

NO. 01-10-00966-CV

**MAYUKO SAEKI MARTIN, Appellant
V.
TIMOTHY E. MARTIN, Appellee**

**On Appeal from the 328th District Court
Fort Bend County, Texas
Trial Court Case No. 01-DCV-121342**

MEMORANDUM OPINION

Appellant Mayuko Saeki Martin (Mayuko) filed her initial brief on August 15, 2011 and her amended brief on October 11, 2011. Neither brief complies with Texas Rule of Appellate Procedure 38.1. Specifically, neither contains “a clear

and concise argument for the contentions made, with appropriate citations to authorities and to the record.” TEX. R. APP. P. 38.1(i). The appendix does not comply either. *See* TEX. R. APP. P. 38.1(k)(1).

The briefs fail to identify any error; they simply request a different result. *See* TEX. R. APP. P. 38.1(f), (j). It does not appear that Mayuko sought the clarifications and modifications of the agreed orders that she requests in her brief from the trial court in the first instance. As a court of appeals, we may only review the trial court’s judgments or other rulings as permitted under statute; we cannot undertake the duties assigned to the trial court. *See* TEX. R. APP. P. 43.2 (limiting courts of appeals to affirming, modifying, reversing, or vacating trial court judgment, or dismissing appeal); *see also In re B.L.D.*, 113 S.W.3d 340, 350 (Tex.2003) (“Requiring parties to raise complaints at trial conserves judicial resources by giving trial judges the opportunity to correct an error before an appeal proceeds.”) (citing *In re C.O.S.*, 988 S.W.2d 760, 765 (Tex.1999)).

Mayuko’s first brief addresses the trial court’s agreed order in suit to modify the parent-child relationship signed on October 13, 2010. Her amended brief addresses recent agreed temporary orders signed August 2, 2011, which are contained in a recently filed supplement to the clerk’s record. Those temporary orders address the same subject matter and thus appear to supersede the earlier agreed order at issue in this appeal. The Texas Family Code specifically precludes

the interlocutory appeal of temporary orders in suits affecting the parent-child relationship. *See* TEX. FAM. CODE ANN. § 105.001(e) (West 2008); *see also* TEX. FAM. CODE ANN. § 6.507 (West 2006) (specifically precluding interlocutory appeal of temporary orders, except those appointing receiver); *Mason v. Mason*, 256 SW3d 716, 718 (Tex. App.—Houston [14th Dist.] 2008, no pet.) (citing *Marley v. Marley*, No. 01-05-00992-CV, 2006 WL 3094325, at *2 (Tex. App.—Houston [1st Dist.] 2006, pet. denied) (mem. op) (holding that section 51.014(4) of Civil Practice and Remedies Code permitting appeals from temporary injunctions did not control over statutory prohibition of interlocutory appeals from temporary orders in Family Code). Because Mayuko has not identified any issue over which this Court can exercise jurisdiction, we **dismiss** this appeal.

PER CURIAM

Panel consists of Chief Justice Radack and Justices Bland and Huddle.