

Opinion issued October 6, 2016



In The
Court of Appeals
For The
First District of Texas

NO. 01-16-00493-CV

JULIUS TABE, M.D., Appellant

V.

TEXAS INPATIENT CONSULTANTS, LLLP, Appellee

**On Appeal from the 129th District Court
Harris County, Texas
Trial Court Case No. 2014-73381**

MEMORANDUM OPINION

Appellant, Julius Tabe, filed a notice of appeal seeking to appeal an interlocutory order denying his motion for reconsideration of an order granting partial summary judgment. Appellant's notice of appeal stated that the denial of his

motion for reconsideration effectively denied his plea to the jurisdiction and motion to compel discovery.

Appellee, Texas Inpatient Consultants, subsequently filed a motion requesting that we dismiss the appeal for lack of jurisdiction and grant sanctions pursuant to Texas Rule of Appellate Procedure 45 for the filing of a frivolous appeal. *See* TEX. R. APP. P. 45. Appellee asserts that we lack jurisdiction because (1) denial of a motion for reconsideration of partial summary judgment is not an appealable interlocutory order, (2) there is no order denying appellant's plea to the jurisdiction and, even if there was, the denial of a plea to the jurisdiction by a non-governmental party is not an appealable interlocutory order, and (3) there is no order denying appellant's motion to compel discovery and, even if there was, it would not be an appealable interlocutory order. *See* TEX. CIV. PRAC. & REM. CODE 51.014(a).

Twelve days after the filing of appellee's motion, appellant filed a motion for voluntary dismissal of his appeal. *See* TEX. R. APP. P. 42.1(a)(1). In response, Texas Inpatients reiterates its request for sanctions.

We grant appellant's motion to dismiss the appeal. *See* TEX. R. APP. P. 42.1(a)(1). We deny the motion for sanctions. Any other pending motions are dismissed as moot.

PER CURIAM

Panel consists of Justices Bland, Massengale, and Lloyd.