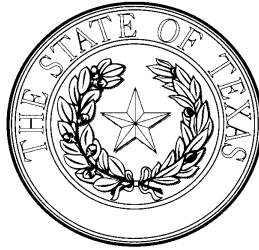


Opinion issued June 8, 2021



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

NO. 01-20-00542-CV

**LARRY D. FORD, Appellant
V.
MEMORIAL HERMANN HOSPICE, Appellee**

**On Appeal from the 129th District Court
Harris County, Texas
Trial Court Case No. 2019-31727**

MEMORANDUM OPINION

Appellant, Larry D. Ford, filed a notice of appeal on July 25, 2020 asserting that the trial court dismissed his suit in the underlying case. But the record does not contain any judgments or orders by the trial court. Appellee filed a letter informing our Court that it would not be filing an appellee's brief because (1) service was never

executed on appellee and, thus, appellee never appeared in the trial court as a defendant and (2) there is no appealable order in the trial court.

Ford was notified that this appeal would be dismissed for want of jurisdiction because the record does not contain either a final judgment or an appealable interlocutory order. *See* TEX. R. APP. P. 42.3(a); *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). Ford failed to file an adequate response demonstrating our jurisdiction over the appeal. Rather than addressing the lack of a final judgment or appealable order, as identified in our notice, Ford filed a “Motion to Retain” irrelevantly asserting that his appeal should not be dismissed as untimely.¹

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

PER CURIAM

Panel consists of Justices Kelly, Landau, and Hightower.

¹ Although Ford’s filing is a response to our notice of intent to dismiss, to the extent that it requests relief, such relief is denied.