

Dismissed and Memorandum Opinion filed March 24, 2011.



In The

**Fourteenth Court of Appeals**

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NO. 14-10-00812-CV

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**NATHANIEL JONES, III, Appellant**

**V.**

**KYLE B. JOHNSON, Appellee**

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**On Appeal from the 11th District Court  
Harris County, Texas  
Trial Court Cause No. 2010-34978**

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**M E M O R A N D U M    O P I N I O N**

Appellant filed a notice of appeal from an order signed August 4, 2010, sustaining a contest to his pauper's oath. According to the record, no final judgment has been entered in this case, and appellant is attempting to appeal the denial of pauper status for pending litigation.

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 permitted by statute. *Bally Total Fitness Corp. v. Jackson*, 53 S.W.3d 352, 352 (Tex.

2001); *Jack B. Anglin Co., Inc. v. Tipps*, 842 S.W.2d 266, 272 (Tex. 1992) (orig. proceeding). There is no statute providing for an interlocutory appeal of the court's ruling on indigence for trial proceedings. *Lomax v. Thomas*, No. 14-08-00163-CV, 2008 WL 4308610, \*1 (Tex.App.-Houston [14th Dist.] Aug. 28, 2008, no pet.) (memo.op.). Thus, an order denying indigent status may not be appealed before entry of final judgment. *Carlan v. Stokes*, No. 14-08-00943-CV, 2009 WL 196099 (Tex. App.—Houston [14th Dist.] January 29, 2009, no pet.) (memo. op.). In contrast, a trial court's indigence ruling pertaining to an already pending appeal is appealable. *See In re Arroyo*, 988 S.W. 2d 737, 738–39 (Tex. 1998) (orig. proceeding).

On February 25, 2011, notification was transmitted to the parties of this court's intention to dismiss the appeal for want of jurisdiction unless, on or before March 8, 2011, appellant filed a response demonstrating grounds for continuing the appeal. *See* Tex. R. App. P. 42.3(a). Appellant's response does not demonstrate grounds for continuing the appeal.

Accordingly, the appeal is ordered dismissed

PER CURIAM

Panel consists of Chief Justice Hedges and Justices Frost and Christopher.