

Dismissed and Memorandum Opinion filed November 23, 2010.



In The

Fourteenth Court of Appeals

NO. 14-10-00819-CV

CARLOS MENDOZA, JR., Appellant

V.

VIELCA AIDA OLANDEZ-MENDOZA, Appellee

**On Appeal from the 311th District Court
Harris County, Texas
Trial Court Cause No. 2010-38052**

MEMORANDUM OPINION

This is an attempted appeal from an order signed August 6, 2010. A partial clerk's record was ordered so this court could determine its jurisdiction. The record was filed on November 15, 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 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). The record reflects this appeal is brought from a denial of indigency by the trial court. Accordingly, there is no appealable order. *See Kilsby v. Mid Century Ins. Co. of Tex.*, No. 14-07-00981-CV, 2008 WL 889428, at *1 (Tex. App. – Houston [14th Dist.] Apr. 3, 2008, no pet.) (mem. op.) (dismissing appeal of interlocutory order sustaining challenge to affidavit of inability to pay costs). We may review a challenge to the denial of indigency only when it is made as part of a pending appeal from a final judgment or other appealable order. *See Tex. R. App. P. 20.1.*

From our review of the file, the trial judge originally signed a denial of indigency on August 6, 2010 and reformed the order on September 9, 2010. The docket sheet incorrectly calls this order a final reformed judgment. The order required appellant to pay costs by November 29, 2010, and provided that the case shall be dismissed without prejudice upon non-payment of the costs. This is a non-appealable order.

On September 29, 2010, notification was transmitted to the parties of this court's intention to dismiss the appeal for want of jurisdiction unless appellant filed a response demonstrating grounds for continuing the appeal on or before October 12, 2010. *See TEX. R. APP. P. 42.3(a).* Appellant filed a response on October 8, 2010. Appellant's response fails to demonstrate that this court has jurisdiction over the appeal.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Panel consists of Justices Seymore, Boyce, and Christopher.