

Dismissed and Memorandum Opinion filed February 3, 2011.



In The

**Fourteenth Court of Appeals**

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NO. 14-10-00833-CV

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**T. TERRELL BRYAN, Appellant**

**V.**

**CARLOS SIMMONS, ET. AL., Appellees**

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**On Appeal from the County Civil Court at Law No. 4  
Harris County, Texas  
Trial Court Cause No. 966665**

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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 July 29, 2010, sustaining a contest to his pauper's oath. From the findings of the trial court, prepared at this Court's request, it is now clear that no final judgment has been entered in this case. Accordingly, 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 indigency 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 indigency 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 January 12, 2011, 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 January 25, 2011. *See* Tex. R. App. P. 42.3(a). 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 Anderson, Seymore, and McCally.