

Dismissed and Memorandum Opinion filed January 6 , 2011.



In The

Fourteenth Court of Appeals

NO. 14-10-00916-CV

NATHANIEL JONES, III, Appellant

V.

**HOUSTON POLICE DEPARTMENT, HARRIS COUNTY SHERIFF'S
DEPARTMENT, TEXAS DEPARTMENT OF PUBLIC SAFETY and HARRIS
COUNTY DISTRICT ATTORNEY, Appellees**

**On Appeal from the 133rd District Court
Harris County, Texas
Trial Court Cause No. 2010-50602**

MEMORANDUM OPINION

This is an attempted appeal from an order signed August 30, 2010, sustaining a contest to appellant's affidavit of inability to pay costs in his suit for expunction of records. A partial clerk's record was ordered so this court could determine its jurisdiction. The record was filed December 6, 2010.

The record reveals that no final judgment has been entered in this pending case. The order that appellant seeks to appeal is interlocutory and not subject to appeal until after

a final judgment is entered. *See Burns v. Burns*, No. 14-09-00385-CV, 2009 WL 1795863, at *1 (Tex. App.—Houston [14th Dist.] June 25, 2009, no pet.) (mem. op.) (dismissing appeal of interlocutory order sustaining challenge to affidavit of inability to pay costs); *Aguilar v. Texas La Fiesta Auto Sales LLC*, No. 01-08-00653-CV, 2009 WL 1562838, at *1 (Tex. App.—Houston [1st Dist.] June 4, 2009, no pet.) (mem. op.) (same).

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 are no statutory provisions granting the right to appeal the interlocutory order at issue in this case. 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.*

On December 10, 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 this court's jurisdiction on or before December 27, 2010. *See Tex. R. App. P. 42.3(a).* Appellant filed no response.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Panel consists of Justices Seymore, Boyce and Christopher.