

Dismissed and Memorandum Opinion filed August 16, 2011.



In The

Fourteenth Court of Appeals

NO. 14-11-00475-CV

JAMES EARL WHITTAKER, Appellant

V.

U.S. MAIL SERVICE, Appellee

**On Appeal from the 157th District Court
Harris County, Texas
Trial Court Cause No. 2010-79000**

MEMORANDUM OPINION

On December 3, 2010, appellant filed a pro se petition asserting claims of discrimination, retaliation, mail fraud, mail theft, and identity theft against the "U.S. Mail Service." The record filed with this court reveals that no judgment has been signed, and the suit remains pending. On May 23, 2011, appellant filed a pro se notice of appeal concerning his claim of indigence. On June 21, 2011, the Harris County District Clerk filed a contest to appellant's affidavit of indigence. On July 1, 2011, the trial court signed an order overruling the contest.

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 trial court's order overruling the contest to appellant's affidavit of indigence, the only order in our record, is an interlocutory order that is not subject to appeal. Moreover, because appellant is challenging the denial of his claim of indigence, the trial court's ruling upholding his claim of indigence, by finding that he is unable to pay filing fees, renders appellant's challenge moot.

Accordingly, the appeal is ordered dismissed for want of jurisdiction.

PER CURIAM

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