

Motion Granted; Dismissed and Memorandum Opinion filed April 14, 2015.



In The

Fourteenth Court of Appeals

NO. 14-15-00043-CV

REGINALD J. HUNTER AND NEKISHA T. HUNTER, Appellants

V.

**THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK,
AS TRUSTEE FOR THE CERTIFICATE HOLDER OF CWABS, INC.,
ASSET-BACKED CERTIFICATES SERIES 2007-4, Appellee**

**On Appeal from the 190th District Court
Harris County, Texas
Trial Court Cause No. 2014-55014**

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

This is an attempted appeal from an order signed December 8, 2014, granting appellee's application to proceed with an expedited foreclosure under Texas Rule of Civil Procedure 736. On April 1, 2015, appellee filed a motion to dismiss the appeal for want of jurisdiction. *See* Tex. R. App. P. 42.3(a). Appellants have not filed a response to the motion.

An order granting an application filed pursuant to Rule 736 is not subject to appeal. Tex. R. App. P. 736.8(c). Any challenge to a Rule 736 order must be made in a separate suit filed in a court of competent jurisdiction. *Id.* We have no discretion to do anything but dismiss an attempted appeal from a Rule 736 order. *Grant–Brooks v. FV–1, Inc.*, 176 S.W.3d 933, 933 (Tex. App.—Dallas 2005, pet. denied); *see also Barriere v. Am. Serv. Mortg. Co.*, No. 14–10–00617–CV, 2010 WL 3504755, at *1 (Tex. App.—Houston [14th Dist.] Sept. 9, 2010, no pet.) (mem. op.).

Therefore, we grant appellee’s motion. The appeal is ordered dismissed for want of jurisdiction.

PER CURIAM

Panel consists of Chief Justice Frost and Justices Jamison and Busby.