

Appeal Dismissed and Memorandum Opinion filed August 16, 2016.



In The

Fourteenth Court of Appeals

NO. 14-16-00131-CV

RICHARD A. DUNSMORE, Appellant

V.

UNIVERSITY OF TEXAS, ET AL, Appellee

**On Appeal from the 412th District Court
Brazoria County, Texas
Trial Court Cause No. 78057-I**

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 January 31, 2016, dismissing appellant's claims against some but not all defendants. On February 2, 2016, the trial court signed a final judgment dismissing appellant's claims against the remaining defendant. Appellant filed a notice of appeal from the final judgment; that appeal is pending in this court as No. 14-16-00166-CV.

Generally, appeals may be taken only from final judgments. *Lehmann v. Har Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). The January 31, 2016, order is

interlocutory. When orders do not dispose of all pending parties and claims, the orders remain interlocutory and unappealable until final judgment is entered unless a statutory exception applies. *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 final judgment replaced the interlocutory order. *See Roccaforte v. Jefferson County*, 341 S.W.3d 919, 924–25 (Tex. 2011); *Webb v. Jorns*, 488 S.W.2d 407, 408–09 (Tex. 1972). Appellant may raise issues about the January 31, 2016 order in the appeal from the February 2, 2016 final judgment (No. 14-16-00166-CV).

On July 26, 2016, notification was transmitted to the parties of this court’s intention to dismiss this appeal for want of jurisdiction unless appellant filed a response demonstrating grounds for continuing the appeal on or before August 8, 2016. *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 **DISMISSED**.

PER CURIAM

Panel consists of Justices Busby, Donovan, and Brown.