

Dismissed and Memorandum Opinion filed October 4, 2016.



In The

Fourteenth Court of Appeals

NO. 14-16-00689-CV

KENNETH W. ISAAC, Appellant

V.

CONSTANCE BURNSIDE, Appellee

**On Appeal from Probate Court No. 2
Harris County, Texas
Trial Court Cause No. 419,942-401**

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 August 2, 2016, denying appellant's motion for summary judgment. Generally, appeals may be taken only from final judgments. *Lehmann v. Har Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). 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 August 2, 2016 order does not dispose of all pending parties and claims and is therefore interlocutory.

After filing a notice of interlocutory appeal in this case, appellant filed a petition in this court for permission to appeal the August 2, 2016 order. *See* Tex. R. App. P. 28.3(a). The petition was docketed into appeal number 14-16-00728-CV. That appeal is pending.

On September 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. *See* Tex. R. App. P. 42.3(a). Appellant's response acknowledges that the August 2, 2016 order is being appealed in appeal number 14-16-00728-CV and asks that this appeal be "administratively closed." The appropriate disposition of an appeal over which we lack jurisdiction is dismissal. *See* Tex. R. App. P. 25.1(b).

Accordingly, the appeal is **DISMISSED**.

PER CURIAM

Panel consists of Justices Jamison, McCally, and Wise.