

Order filed September 27 2018, Withdrawn; Appeals Dismissed; and Memorandum Opinion filed October 9, 2018.



In The

Fourteenth Court of Appeals

**NO. 14-18-00675-CV
NO. 14-18-00680-CV**

IN THE INTEREST OF M. E. H.

**On Appeal from the 345th District Court
Travis County, Texas
Trial Court Cause No. D-1-AG-15-002375**

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

We withdraw our order dated September 27, 2018.

Appellant C.H. is involved in litigation in Travis County regarding conservatorship of her son, M.E.H. She appealed to the Third Court of Appeals from a final order signed February 2, 2018, called “Order in Suit to Modify Parent-Child Relationship.” The Supreme Court of Texas transferred that appeal to this court on April 11, 2018. *See* Tex. Gov’t Code Ann. § 73.001. That appeal is pending as number 14-18-00281-CV (“the First Appeal”).

The trial court signed several more orders during the pendency of the First Appeal. Appellant filed pro se notices of appeal from four of those orders, and each appeal was transferred from the Third Court of Appeals to this court as follows:

Appeal	Order on Appeal
14-18-00675-CV	May 10, 2018 Order on Motion for Enforcement and Further Orders (regarding C.H.’s Third Amended Motion for Enforcement and Further Orders)
14-18-00680-CV	May 10, 2018 Order on Motion to Revoke Suspension of Commitment (regarding S.K.’s Motion to Revoke Suspension of Commitment)
14-18-00681-CV	May 10, 2018 Order on Motion to Modify Judgment (regarding C.H.’s Motion to Modify Judgment)
14-18-00682-CV	July 9, 2018 Amended Order (regarding June 12, 2018 Order on Respondent’s Plea of Abatement)

None of those four orders is a final judgment or otherwise separately appealable. For that reason, we notified the parties on August 28, 2018, that we would dismiss those four appeals for lack of jurisdiction unless any party demonstrated meritorious grounds for retaining the appeals.

In response, appellant, through a newly-retained lawyer, filed a motion in the First Appeal characterizing the orders at issue in appeals 14-18-00675-CV and 14-18-00680-CV (“the Contempt Appeals”) as orders refusing to hold the father (appellee S.K.) in contempt and holding appellant in contempt, respectively. Contempt orders are not appealable but are reviewable by mandamus. *In re Long*, 984 S.W.2d 623, 625 (Tex. 1999) (per curiam); *Norman v. Norman*, 692 S.W.2d 655, 655 (Tex. 1985) (per curiam). The motion asks us to (1) treat appellant’s pro se notices of appeal in the Contempt Appeals as attempts to invoke our mandamus

jurisdiction, and (2) consolidate the Contempt Appeals and the First Appeal.¹

Section 22.221 of the Texas Government Code establishes our mandamus jurisdiction. A court of appeals may issue a writ of mandamus against, as relevant here, “a judge of a district, statutory county, statutory probate county, or county court in the court of appeals district[.]” Tex. Gov’t Code Ann. § 22.221(b)(1). We lack jurisdiction to issue a writ of mandamus against the trial judge in this case because she is the judge of the 345th District Court of Travis County, which lies outside our district. *Id.* § 22.201(d) (stating Travis County lies within Third Court of Appeals District). If appellant were to seek mandamus relief from this court, we would not have jurisdiction to grant that relief.

In conclusion, we lack jurisdiction over these appeals, and we would lack jurisdiction to grant mandamus relief if we were to construe the notices of appeal as attempts to invoke our mandamus jurisdiction. Accordingly, the appeals are dismissed.

PER CURIAM

Panel consists of Justices Christopher, Jamison, and Brown.

¹ The motion also abandons appeals 14-18-00681-CV and 14-18-00681-CV (“the Abandoned Appeals”). We construed that abandonment as a motion for voluntary dismissal under Texas Rule of Appellate Procedure 42.1(a)(1) and dismissed the Abandoned Appeals on September 18, 2018. *In re M.E.H.*, Nos. 14-18-00681-CV, 14-18-00682-CV, 2018 WL 4427486 (Tex. App.—Houston [14th Dist.] Sept. 18, 2018, no pet. h.) (mem. op.) (per curiam).