

Appeal Dismissed and Memorandum Opinion filed September 27, 2022.



In The

Fourteenth Court of Appeals

NO. 14-22-00128-CV

JASON ANTHONY SAMUEL, Appellant

V.

ASHLEY CHERICK BYRD, Appellee

**On Appeal from the 245th District Court
Harris County, Texas
Trial Court Cause No. 2021-10420**

MEMORANDUM OPINION

This is an attempted appeal from an order signed November 30, 2021. 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 rendered 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 record does not reflect disposition of appellee Ashley Cherick Byrd's counterclaim for attorney's fees and the November 30, 2021 order does not state it is a final judgment as to all claims and parties. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 192–93 (Tex. 2001) (“[A] judgment issued without a conventional trial is final for purposes of appeal if and only if either it actually disposes of all claims and parties then before the court, regardless of its language, or it states with unmistakable clarity that it is a final judgment as to all claims and all parties.”); *see also In re K.M.B.*, 148 S.W.3d 618, 619 (Tex. App.—Houston [14th Dist.] 2004, no pet.).

On August 31, 2022, notification was transmitted to the parties of this court's intention to dismiss the appeal for want of jurisdiction unless appellant Jason Anthony Samuel filed a response demonstrating grounds for continuing the appeal on or before September 12, 2022. *See* Tex. R. App. P. 42.3(a). Appellant's response fails to demonstrate that this court has jurisdiction over the appeal.

We dismiss the appeal.

PER CURIAM

Panel consists of Justices Spain, Poissant, and Wilson.