

Court Of Appeals
Fourth Court of Appeals District of Texas
San Antonio



MEMORANDUM OPINION

No. 04-08-00310-CV

Herbert Lawrence **POLINARD, JR.**,
Appellant

v.

Richard F. **SCIARAFFA** and Richard F. Sciaraffa, Jr.,
Appellees

From the 57th Judicial District Court, Bexar County, Texas
Trial Court No. 2006-CI-01691
Honorable Janet Littlejohn, Judge Presiding

PER CURIAM

Sitting: Phylis J. Speedlin, Justice
Rebecca Simmons, Justice
Steven C. Hilbig, Justice

Delivered and Filed: August 27, 2008

DISMISSED FOR LACK OF JURISDICTION

From our initial review of the record it appeared that the summary judgment sought to be appealed is interlocutory because it does not dispose of the appellant's other pending claims against Richard F. Sciaraffa, Sr., and no severance order appears in the record. Therefore, we ordered appellant to show cause in writing why this appeal should not be dismissed for lack of jurisdiction. Appellant did not respond. Based on our review of the record, we conclude that the summary judgment order is not final and appealable because it does not dispose of all parties and causes of

action in this suit. *See City of Beaumont v. Guillory*, 751 S.W. 2d 491, 492 (Tex. 1988); *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 200 (Tex. 2001). Therefore, this appeal is dismissed for lack of jurisdiction. *See* TEX. R. APP. P. 42.3(a). Costs of appeal are taxed against appellant.

PER CURIAM

