

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



MEMORANDUM OPINION

No. 04-08-00581-CV

Jerry **WANZER**,
Appellant

v.

Jose **GARCIA**, et al.,
Appellee

From the 81st Judicial District Court, Karnes County, Texas
Trial Court No. 06-11-00140-CVK
Honorable Ron Carr, Judge Presiding

PER CURIAM

Sitting: Karen Angelini, Justice
Santee Bryan Marion, Justice
Phylis J. Speedlin, Justice

Delivered and Filed: December 10, 2008

DISMISSED FOR LACK OF JURISDICTION

From our preliminary review of the record it appeared the order sought to be appealed is interlocutory because it does not dispose of all claims and all parties. Thus, we ordered appellant to show cause in writing no later than November 24, 2008, why this appeal should not be dismissed for lack of jurisdiction. No response was filed. Based on the record before us, we conclude the order signed on January 10, 2008, is not a final and appealable order, and we do not have jurisdiction over

this appeal. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 205-06 (Tex. 2001); *Wanzer v. Mendoza*, No. 04-05-00505-CV, 2005 WL 2368007, at *1 (Tex. App.—San Antonio Sept. 28, 2005, no pet.). This appeal is dismissed for lack of jurisdiction. TEX. R. APP. P. 42.3(a).

PER CURIAM