

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



MEMORANDUM OPINION

No. 04-11-00785-CV

CUDD PUMPING SERVICES, INC.,
Appellant

v.

PATRICK PETROLEUM, and Diamondback Operating, L.P.,
Appellees

From the 198th Judicial District Court, Edwards County, Texas
Trial Court No. 3714
The Honorable M. Rex Emerson, Judge Presiding

PER CURIAM

Sitting: Rebecca Simmons, Justice
Steven C. Hilbig, Justice
Marialyn Barnard, Justice

Delivered and Filed: January 4, 2012

DISMISSED FOR WANT OF JURISDICTION

In this suit on a sworn account, appellant Cudd Pumping Services, Inc. seeks to appeal the trial court's September 14, 2011 order granting defendants' motion to compel discovery.

This court's appellate jurisdiction is generally limited to reviewing a final judgment. *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). We may also review interlocutory orders authorized by statute. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 51.014 (West 2011); *Bally Total Fitness Corp. v. Jackson*, 53 S.W.3d 352, 352 (Tex. 2001). Because the trial court's

September 14, 2011 order granting appellees' motion to compel discovery did not appear to be an appealable interlocutory order, we ordered appellant to show cause in writing not later than December 19, 2011, why this appeal should not be dismissed for want of jurisdiction. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 51.014 (West 2011); TEX. R. APP. P. 42.3(a); *Bally*, 53 S.W.3d at 352; *Lehmann*, 39 S.W.3d at 195; *Mock v. Mock*, 01-10-00436-CV, 2011 WL 148229, at *1 (Tex. App.—Houston [1st Dist.] Jan. 13, 2011, no pet.) (mem. op.) (“An order granting a motion to compel discovery is a non-appealable, interlocutory order.”). We warned appellant that if appellant did not show cause in writing within the time provided, this appeal would be dismissed for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a). To date, appellant has not filed any response to our show cause order.

Therefore, we dismiss this appeal for want of jurisdiction. *See id.*; *Lehmann*, 39 S.W.3d at 195; *see also* TEX. R. APP. P. 42.3(c) (authorizing dismissal for failure to comply with a court order). Costs of this appeal are taxed against appellant.

PER CURIAM