



**Fourth Court of Appeals**  
**San Antonio, Texas**

**MEMORANDUM OPINION**

No. 04-12-00395-CV

**IN THE INTEREST OF C.M., a Child**

From the 37th Judicial District Court, Bexar County, Texas  
Trial Court No. 2004-CI-13517  
Honorable Dick Alcala, Judge Presiding

PER CURIAM

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

Delivered and Filed: November 7, 2012

DISMISSED FOR WANT OF JURISDICTION

Appellant Henry Magallanes filed a notice of appeal complaining of the judgment or order “rendered on June 25, 2012.” The clerk’s record does not contain such a judgment or order. Further, the clerk’s record does not appear to contain a final, appealable order. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001) (noting that generally “an appeal may be taken only from a final judgment”).

On October 4, 2012, we notified appellant that the clerk’s record does not appear to contain a final, appealable order; we ordered appellant to show cause in writing not later than October 19, 2012, why this appeal should not be dismissed for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a); *Lehmann*, 39 S.W.3d at 195. We warned appellant that if he did not show cause

within the time provided why this court has jurisdiction over this appeal, the appeal would be dismissed for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a); *Lehmann*, 39 S.W.3d at 195.

On October 31, 2012, appellant filed a response to our October 4, 2012 order. Appellant's response stated the parties have agreed to a disposition of the matter; it included a copy of a final order in the underlying cause dated October 31, 2012. However, appellant's response failed to show how we have jurisdiction in this appeal over the "order rendered on June 25, 2012."

Therefore, we dismiss this appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a); *Lehmann*, 39 S.W.3d at 195. Costs of this appeal are taxed against appellant.

PER CURIAM