



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-18-00669-CV

Sandra Ann **ZARATE**,
Appellant

v.

Sergio Rene **ZARATE**,
Appellee

From the 365th Judicial District Court, Maverick County, Texas
Trial Court No. 04-10-20415-MCVAJA
Honorable Amado J. Abascal, III, Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Chief Justice
Luz Elena D. Chapa, Justice
Irene Rios, Justice

Delivered and Filed: December 5, 2018

DISMISSED

After the clerk's record was filed, we issued an order on October 19, 2018, notifying appellant of two issues regarding this court's appellate jurisdiction: (1) timeliness of the notice of appeal; and (2) the appealability of the trial court's "Order of Contempt." We ordered appellant to file a response by November 9, 2018, providing a reasonable explanation for the untimeliness of the notice of appeal and showing why this appeal should not be dismissed. Although appellant responded to the timeliness issue, appellant's response did not address the appealability of the trial court's order.

The notice of appeal states appellant desires to appeal a judgment or order signed June 4, 2018. The only June 4, 2018 orders in the record are an order permitting appellant's trial counsel to withdraw and an order titled "Order of Contempt." The Order of Contempt sets a show cause hearing "for December 1, 2017" [sic] stating that if appellant does not comply with the court's order, appellant may be held in contempt of court. Appellant's response to this court's show cause order does not show that this court has appellate jurisdiction. *See* TEX. CIV. PRAC. & REM. CODE § 51.012 (permitting an appeal from certain orders that are "final"); *In re Estate of Gibbons*, 451 S.W.3d 115, 127 (Tex. App.—Houston [14th Dist.] 2014, pet. denied) (stating courts of appeals lack appellate jurisdiction over contempt orders). We therefore dismiss this appeal. *See* TEX. R. APP. P. 42.3(a), (c) (permitting dismissal of appeal for want of jurisdiction and for appellant's failure to comply with an appellate court's order).

PER CURIAM