



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-21-00438-CV

IN THE INTEREST OF A.M.R. and O.R., Children

From the 150th Judicial District Court, Bexar County, Texas
Trial Court No. 2019-CI-12197
Honorable Angelica Jimenez, Judge Presiding

PER CURIAM

Sitting: Luz Elena D. Chapa, Justice
Irene Rios, Justice
Beth Watkins, Justice

Delivered and Filed: November 24, 2021

DISMISSED FOR LACK OF JURISDICTION

Christopher Rodriguez attempts to appeal the trial court's order denying his motion to enforce a divorce decree. Concluding this court does not have jurisdiction, we dismiss the appeal.

The parties were divorced October 1, 2020. In July 2021, Rodriguez filed a petition to modify and to enforce the decree. The motion for enforcement alleged appellee, Kaitlyn Fonzi, violated specific provisions of the decree relating to conservatorship of the children and prayed that she be held in contempt and punished by being placed on community supervision.

The trial court held a hearing on various motions, including the motion for enforcement, on August 20, 2021. On September 14, the trial court signed temporary orders in the suit to modify, an order denying the motion for enforcement, and an order referring the remaining issues to

mediation. On October 13, Rodriguez filed a notice of appeal stating his desire to appeal the order denying the motion for enforcement.

After the clerk's record was filed, we ordered Rodriguez to file a response by November 8, 2021, showing why the appeal of the order denying the motion for enforcement should not be dismissed for lack of jurisdiction. Our order advised appellant that if he failed to satisfactorily respond within the time provided, the appeal would be dismissed for lack of jurisdiction or pursuant to Texas Rule of Appellate Procedure 42.3(c). Rodriguez has not responded to our order.

“An order failing to hold a person in contempt is not a final, appealable judgment.” *Norman v. Norman*, 692 S.W.2d 655, 655 (Tex. 1985). “Contempt proceedings, whether the court grants or denies the motion, are not appealable because they ‘are not concerned with disposing of all claims and parties before the court, as are judgments; instead, contempt proceedings involve a court’s enforcement of its own orders, regardless of the status of the claims between the parties before it.’” *Casey v. Casey*, No. 01-18-00644-CV, 2019 WL 1338968, at *2 (Tex. App.—Houston [1st Dist.] Mar. 26, 2019, no pet.) (mem. op.) (quoting *In re Office of Attorney Gen. of Tex.*, 215 S.W.3d 913, 915–16 (Tex. App.—Fort Worth 2007, orig. proceeding).

Because the order Rodriguez attempts to appeal is not a final, appealable judgment or an interlocutory order for which appeal is authorized by statute, we lack jurisdiction over the appeal, and this appeal is dismissed.

PER CURIAM