

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-08-364 CV

JAMES MICHAEL HOLDER, Appellant

V.

**JOHN P. COWART, JOHN P. COWART, P.C., MOORE LANDREY, L.L.P.,
ED W. BARTON, JOHN D. MCELROY, BARTON, PRICE &
MCELROY a/k/a BARTON, PRICE, MCELROY & TOWNSEND,
QUENTIN D. PRICE, AND RODNEY A. TOWNSEND, JR., Appellees**

**On Appeal from the 60th District Court
Jefferson County, Texas
Trial Cause No. B-178,288**

MEMORANDUM OPINION

James Michael Holder filed a notice of appeal of the trial court's order granting a motion for summary judgment filed by three of the seven defendants. We questioned our jurisdiction over the appeal and instructed the parties to file written responses by September 12, 2008. We extended the response date to October 20, 2008, but have not received a response from any of the parties.

Orders signed on March 13, 2008, and June 24, 2008, granted partial summary judgment but identified claims that remained pending. On July 23, 2008, the trial court granted a motion for summary judgment and decreed that Holder take nothing from John P. Cowart, John P. Cowart, P.C., and Moore Landrey, L.L.P. In his docketing statement, Holder states that claims remain pending in the trial court against the remaining defendants.

Claims remain unresolved in the trial court. Thus, the trial court's order is not appealable as a final judgment. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). Although we gave notice that the appeal was subject to dismissal, Holder failed to file a response that showed grounds for continuing the appeal. *See* TEX. R. APP. P. 42.3. Holder supplied no authority that supports the exercise of appellate jurisdiction at this time.

Accordingly, the appeal is dismissed for lack of jurisdiction.

APPEAL DISMISSED.

HOLLIS HORTON
Justice

Opinion Delivered October 30, 2008
Before McKeithen, C.J., Gaultney and Horton, JJ.