

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-19-00145-CV

MATTHEW L. WEBB, Appellant

V.

H.E.B. STAFF, Appellee

On Appeal from the 284th District Court
Montgomery County, Texas
Trial Cause No. 19-04-04688-CV

MEMORANDUM OPINION

Appellant Matthew L. Webb filed a notice of appeal from a ruling the trial court made on a discovery dispute between Webb and H.E.B. Staff. The trial court's order ruling on the dispute neither struck Webb's pleadings nor dismissed the case. Moreover, the merits of the dispute have not been resolved. Therefore, the trial court's order ruling on the discovery dispute was not appealable, since the order did not constitute a final judgment. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195

(Tex. 2001). We also lack jurisdiction over appeals from interlocutory orders unless a statute specifically authorizes the appeal. *See, e.g.*, Tex. Civ. Prac. & Rem. Code § 51.014 (West Supp. 2018).

After Webb filed his notice of appeal, we questioned our jurisdiction over the appeal. We also invited the parties to explain why the court had jurisdiction to consider Webb's appeal. *See* Tex. R. App. P. 42.3. Webb responded, conceding the court has no jurisdiction to consider his appeal. He also requested that this Court issue a mandate immediately. Since the parties have not identified a statute authorizing Webb's appeal, we dismiss it for lack of jurisdiction. *See Lehmann*, 39 S.W.3d at 195. We also direct the clerk to immediately issue the mandate.

APPEAL DISMISSED.

HOLLIS HORTON
Justice

Submitted on June 26, 2019
Opinion Delivered June 27, 2019

Before McKeithen, C.J., Kreger and Horton, JJ.