

**In The**  
***Court of Appeals***  
***Ninth District of Texas at Beaumont***

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**NO. 09-23-00001-CV**

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**IN THE INTEREST OF B.C.C.**

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**On Appeal from the 317th District Court**  
**Jefferson County, Texas**  
**Trial Cause No. C-224,292-E**

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**MEMORANDUM OPINION**

D.C. filed a notice of appeal from an order denying a motion to abate. We questioned whether the trial court had signed a final judgment or an order that is appealable as an accelerated appeal.<sup>1</sup> D.C. and the Office of the Attorney General filed a response to our request, and both agree the trial court's order is an interlocutory order that is not appealable as an accelerated appeal. D.C. requests that we retain this matter as an original proceeding for a writ of mandamus, but he has

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<sup>1</sup> To protect the privacy of the parties, we refer to the child and the parties by their initials only. *See* Tex. Fam. Code Ann. § 109.002(d).

not filed a brief that we could consider as a mandamus petition. Under these circumstances, judicial efficiency will be served by dismissing the attempted appeal without reference to the merits and without prejudice to D.C.'s right to seek mandamus relief by filing a Petition for Writ of Mandamus. Accordingly, we dismiss the appeal for lack of jurisdiction. *See* Tex. R. App. P. 42.3(a); 43.2(f).

APPEAL DISMISSED.

PER CURIAM

Submitted on February 8, 2023  
Opinion Delivered February 9, 2023

Before Golemon, C.J., Johnson and Wright, JJ.