



**COURT OF APPEALS  
SECOND DISTRICT OF TEXAS  
FORT WORTH**

**NO. 02-16-00299-CV**

CHERIE ALLEN

APPELLANT

V.

CITY OF FORT WORTH

APPELLEE

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FROM THE 236TH DISTRICT COURT OF TARRANT COUNTY  
TRIAL COURT NO. 236-286367-16  
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**MEMORANDUM OPINION<sup>1</sup>**

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Pro se Appellant Cherie Allen attempts to appeal from an August 5, 2016 order sustaining the district clerk's contest to her affidavit of indigency. On August 18, 2016, we notified Allen of our concern that we may not have jurisdiction over this appeal because the order is neither a final judgment nor an appealable interlocutory order. We also informed Allen that the appeal may be dismissed for want of jurisdiction unless she or any party desiring to continue the

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<sup>1</sup>See Tex. R. App. P. 47.4.

appeal filed a response by August 29, 2016, showing grounds for continuing the appeal. See Tex. R. App. P. 42.3(a), 44.3. We have not received a response.

Generally, appeals may be taken only from final judgments or interlocutory orders that are authorized by statute. *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195, 200 (Tex. 2001). No final judgment has been entered in this cause, and there is no statute authorizing an interlocutory appeal from an indigency ruling under rule of civil procedure 145. See *Emesowum v. Baronitis*, No. 01-15-00524-CV, 2015 WL 5025215, at \*1 (Tex. App.—Houston [1st Dist.] Aug. 25, 2015, no pet.) (mem. op). We note, however, that the supreme court recently amended rule of civil procedure 145 to allow a party to challenge a trial court order requiring the payment of costs by timely filing a motion in the court of appeals. See Supreme Court Order of Aug. 31, 2016, Misc. Docket No. 16-9122. The amended rules, however, “apply to any contest of, or challenge to, a claim of inability to afford payment of court costs that is pending on September 1 [2016].” *Id.* The trial court had already ruled on the district clerk’s challenge to Allen’s affidavit of indigence by September 1, 2016. Therefore, amended rule 145 does not apply to this specific appellate cause. Accordingly, we dismiss this appeal for want of jurisdiction. See Tex. R. App. P. 42.3(a), 43.2(f). We deny Appellee’s motion to dismiss for want of jurisdiction as moot.

PER CURIAM

PANEL: MEIER, GABRIEL, and SUDDERTH, JJ.

DELIVERED: October 6, 2016