



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

NO. 02-17-00163-CV

HENRY THIESSEN

APPELLANT

V.

FIDELITY BANK

APPELLEE

FROM THE 78TH DISTRICT COURT OF WICHITA COUNTY
TRIAL COURT NO. 184,975-B

MEMORANDUM OPINION¹

Henry Thiessen attempts to appeal from the trial court's January 11, 2017 "Order Denying Plaintiff's Motion for Permission to Appeal Interlocutory Order and Stay Arbitration Proceeding." On May 15, 2017, we notified the parties of our concern that this court lacks jurisdiction over this appeal because the trial court's order did not appear to be a final judgment or an appealable interlocutory order. We also informed them that this appeal would be dismissed for want of

¹See Tex. R. App. P. 47.4.

jurisdiction unless Thiessen or any other party desiring to continue the appeal filed with this court, on or before May 25, 2017, a response showing grounds for continuing the appeal. See Tex. R. App. P. 42.3(a), 44.3.

The general rule is that an appeal may be taken only from a final judgment. *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). In his response, Thiessen admitted that the order is not a final judgment but stated that he wanted to appeal from the final judgment “if and when” the trial court signs one. See Tex. R. App. P. 27.1(a) (“In a civil case, a prematurely filed notice of appeal is effective and deemed filed on the day of, but after, the event that begins the period for perfecting the appeal.”). The trial court clerk has confirmed that the trial court has not signed a final judgment.

Interlocutory orders may be appealed only if allowed by statute. *Bally Total Fitness Corp. v. Jackson*, 53 S.W.3d 352, 352 (Tex. 2001). There is no statute authorizing an appeal from the trial court’s order, and Thiessen does not argue that there is one. See Tex. Civ. Prac. & Rem. Code Ann. § 51.014(a) (West Supp. 2016), § 51.016 (West 2015), § 171.098 (West 2011).

Because the trial court has not signed a final judgment or appealable interlocutory order,² we dismiss the appeal for want of jurisdiction. See Tex. R. App. P. 42.3(a), 43.2(f).

²After filing his response to our jurisdiction letter, Thiessen filed another notice of appeal stating that he wants to appeal the “Arbitrator’s Final Judgment,” signed June 28, 2017. Because this court’s jurisdiction is limited to the review of final judgments and certain interlocutory orders *signed by the trial court*, the

/s/ Elizabeth Kerr
ELIZABETH KERR
JUSTICE

PANEL: LIVINGSTON, C.J.; KERR and PITTMAN, JJ.

DELIVERED: August 10, 2017

arbitrator's judgment is not directly appealable. See Tex. Civ. Prac. & Rem. Code Ann. § 51.012 (West 2015), §§ 51.014(a), 51.016, 171.098.