



**In the
Court of Appeals
Second Appellate District of Texas
at Fort Worth**

No. 02-22-00033-CV

DONALD E. GUY, Appellant

V.

MONIQUE R. THORNTON, Appellee

On Appeal from County Court at Law No. 1
Tarrant County, Texas
Trial Court No. 2021-006228-1

Before Wallach, J.; Sudderth, C.J.; and Walker, J.
Per Curiam Memorandum Opinion

MEMORANDUM OPINION

On January 27, 2022, Appellant Donald E. Guy filed a notice of appeal from the county court's default judgment in the eviction action filed by Appellee Monique R. Thornton. In addition to seeking possession of the subject property, Thornton sought as damages the unpaid rent that had accrued since the date of the justice court's judgment. *See* Tex. R. Civ. P. 510.11. The county court's December 21, 2021 judgment awards Thornton possession of the premises and then states, "This is not a final order." The judgment does not dispose of Thornton's request for unpaid rent.

After the county court signed the judgment, Thornton took no action to prove and secure a ruling on her damages claim. On May 9, 2022, the county court gave notice that unless the case was set for trial or otherwise disposed of within thirty days, the court would dismiss the case for want of prosecution. However, no such dismissal has occurred yet. Thus, Thornton's request for unpaid rent remains pending.

This court has appellate jurisdiction over appeals only from final judgments and from interlocutory orders that the Texas Legislature has specified are immediately appealable. *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001); *see, e.g.*, Tex. Civ. Prac. & Rem. Code Ann. § 51.014. A judgment is final if it disposes of every pending claim and party. *See Lehmann*, 39 S.W.3d at 205. Because the county court's judgment does not dispose of Thornton's request for unpaid rent, the judgment is not final.

On February 2, 2022, we notified the parties of our concern that we lack jurisdiction over this appeal because the county court's judgment does not appear to be

a final judgment or an appealable interlocutory order. We cautioned the parties that we could dismiss the appeal absent a response filed by February 14, 2022, showing grounds for continuing the appeal. *See* Tex. R. App. P. 42.3(a), 44.3. We did not receive a response.

On April 13, 2022, we again notified the parties of our concern that we lack jurisdiction over this appeal. We again warned that we could dismiss the appeal absent a response filed by April 25, 2022, showing grounds for continuing the appeal. We have not received a response. Because we have received no response from any party showing grounds for continuing the appeal, we dismiss the appeal for want of jurisdiction.¹ *See* Tex. R. App. P. 42.3(a), 43.2(f).

Per Curiam

Delivered: June 16, 2022

¹Our dismissing this appeal at this time does not bar Guy from pursuing an appeal from a final judgment in this case.