

NO. 07-05-0378-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL B
OCTOBER 26, 2005

ELTON ORTIZ,

Appellant

v.

ZONIA SCOTT,

Appellee

FROM THE JUSTICE OF THE PEACE COURT, PRECINCT 1 OF POTTER COUNTY;
NO. 25,515; HON. JIM TIPTON, PRESIDING

Memorandum Dismissal

Before QUINN, C.J., and CAMPBELL and HANCOCK, JJ.

Elton Ortiz appeals to this court from an order of dismissal dismissing his suit initiated in the Justice of the Peace Court, Precinct No. 1, Potter County. A court of appeals lacks jurisdiction to entertain a direct appeal from a justice court. *Tejas Elevator Co. v. Concord Elevator, Inc.*, 982 S.W.2d 578, 579 (Tex. App.—Dallas 1998, no pet.). Instead, jurisdiction lay in either a county or district court depending upon whether the civil jurisdiction of the county court is transferred to a district court. *Id.*; *accord*, TEX. CIV. PRAC.

& REM. CODE ANN. § 51.001(a) & (b) (Vernon 1997). Or, appeal may be had to a county court at law. See TEX. GOV. CODE ANN. 25.003(a) (Vernon 2004) (stating that a county court at law has jurisdiction over all causes and proceedings civil and criminal, original and appellate, prescribed by law).

Lacking jurisdiction, we dismiss the appeal.

Brian Quinn
Chief Justice