



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-10-00039-CV

CARLOS A. ARMENTA, Appellant

V.

TDCJ-ID, ET AL., Appellee

On Appeal from the 202nd Judicial District Court
Bowie County, Texas
Trial Court No. 09C1296-202

Before Morriss, C.J., Carter and Moseley, JJ.
Memorandum Opinion by Justice Moseley

MEMORANDUM OPINION

This is an appeal by Carlos A. Armenta from the trial court's order dismissing his cause of action against defendants the Texas Department of Criminal Justice–Institutional Division, et al.

The order entered in this appeal, however, states that “Plaintiff’s §1983 claim of deliberate indifference against Defendant Ayers is **NOT DISMISSED.**”

The general rule is that a final and appealable judgment must determine the entire controversy, disposing of all the parties and issues in a case. *Schlupf v. Exxon Corp.*, 644 S.W.2d 453, 454 (Tex. 1982); *N. E. Indep. Sch. Dist. v. Aldridge*, 400 S.W.2d 893, 895 (Tex. 1966); *Wagner v. Warnasch*, 156 Tex. 334, 295 S.W.2d 890, 892 (1956).

Because the trial court's order dismissing this suit did not dispose of all defendants, it is not final, and this is an interlocutory appeal from a nonappealable judgment. Accordingly, we dismiss Armenta's appeal for want of jurisdiction.

Bailey C. Moseley
Justice

Date Submitted: May 18, 2010
Date Decided: May 19, 2010