



IN THE
TENTH COURT OF APPEALS

No. 10-12-00106-CV

FREDRICK-MARSHAL VAN HORN,

Appellant

v.

C. PAUL KEEFER AND/OR JEWEL KEEFER,

Appellees

From the 40th District Court
Ellis County, Texas
Trial Court No. 83617

MEMORANDUM OPINION

Fredrick-Marshal Van Horn appeals the trial court's denial of his motion for summary judgment. By letter dated March 28, 2012, the Clerk of this Court notified Van Horn that this case was subject to dismissal because it appeared that the notice of appeal was untimely. *See* TEX. R. APP. P. 26.1; 42.3; 44.3. Further, the Clerk notified Van Horn that it appeared the order Van Horn was attempting to appeal was interlocutory and no interlocutory appeal was authorized. *See Stary v. DeBord*, 967 S.W.2d 352, 352-353 (Tex. 1998) ("Appellate courts have jurisdiction to consider immediate appeals of

interlocutory orders *only* if a statute explicitly provides appellate jurisdiction.” (emphasis added)); TEX. CIV. PRAC. & REM. CODE ANN. § 51.014(a) (West Supp. 2011). The Clerk then warned Van Horn that the Court would dismiss this appeal unless, within 21 days from the date of the letter, a response was filed showing grounds for continuing the appeal.

Van Horn responded to the Clerk’s letter but the response does not show grounds for continuing the appeal. Accordingly, this appeal is dismissed.

TOM GRAY
Chief Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins
Appeal dismissed
Opinion delivered and filed May 2, 2012
[CV06]