



IN THE  
TENTH COURT OF APPEALS

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No. 10-16-00114-CV

\$30,459.00 IN U.S. CURRENCY,

**Appellant**

v.

THE STATE OF TEXAS,

**Appellee**

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From the 40th District Court  
Ellis County, Texas  
Trial Court No. 88811

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**MEMORANDUM OPINION**

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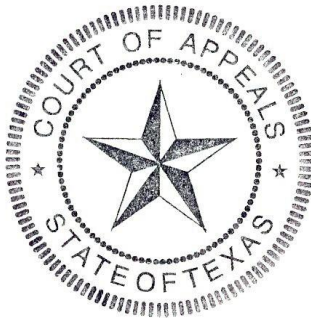
The petitioner has filed a Petition for Permission to Appeal Interlocutory Order, requesting permission to appeal the trial court's denial of his motion for summary judgment under subsection 51.014(d) of the Civil Practice and Remedies Code. But subsection 51.014(d) provides only that "a *trial court* in a civil action may, by written order, permit an appeal." TEX. CIV. PRAC. & REM. CODE ANN. § 51.014(d) (West Supp. 2015) (emphasis added). Subsection 51.014(f) then authorizes an appellate court to accept an appeal that *the trial court has permitted* under subsection 51.014(d). *Id.* § 51.014(f); *see*

also TEX. R. APP. P. 28.3(a) (“When a trial court has permitted an appeal from an interlocutory order that would not otherwise be appealable, a party seeking to appeal must petition the court of appeals for permission to appeal.”) (emphasis added).

In this case, although the petitioner has apparently filed in the trial court a motion for permissive interlocutory appeal, the trial court has not permitted an appeal.<sup>1</sup> See TEX. R. CIV. P. 168 (“Permission must be stated in the order to be appealed.”). The Petition for Permission to Appeal Interlocutory Order is therefore denied. Accordingly, this appeal is dismissed for want of jurisdiction. See TEX. R. APP. P. 28.3; 43.2(f).

REX D. DAVIS  
Justice

Before Chief Justice Gray,  
Justice Davis, and  
Justice Scoggins  
Petition denied  
Appeal dismissed  
Opinion delivered and filed April 28, 2016  
[CV06]



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<sup>1</sup> Furthermore, even if the trial court permitted an appeal, the trial court’s denial of the petitioner’s motion for summary judgment without explanation is not a substantive ruling on the controlling legal issue. See *Borowski v. Ayers*, 432 S.W.3d 344, 347 (Tex. App.—Waco 2013, no pet.).