

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-17-00089-CV

Eligio Sparks, Appellant

v.

Christina Rutkowski, Appellee

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 98TH JUDICIAL DISTRICT
NO. D-1-FM-13-001651, HONORABLE RHONDA HURLEY, JUDGE PRESIDING**

MEMORANDUM OPINION

On February 1, 2017, appellant Eligio Sparks filed a notice of appeal. We notified him that he was required to make a written request and arrangements to pay for the clerk's record and the reporter's record within ten days from his receipt of our letter. We also notified him that he was requested to forward his filing fee and a docketing statement to the Court on or before February 13, 2017. Sparks filed two motions for extension of time to pay his filing fee and file his docketing statement that were granted, providing him with an additional 59 days. Sparks filed a third motion for extension of time in which he sought an additional 90 days to pay his filing fee and file his docketing statement. That motion has not been granted, but the fee remains unpaid and the docketing statement remains unfiled.

Sparks stated in the notice of appeal that he appealed from a judgment or order signed on January 16, 2017. However, the district clerk's information sheet received with the notice of

appeal stated that an order had not been filed with the clerk as of February 2, 2017. After review, the Clerk of this Court sent Sparks a letter informing him that the Court appears to lack jurisdiction over the appeal because our jurisdiction is limited to appeals in which there exists a final or appealable judgment or order that has been signed by a judge. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001) (“[T]he general rule, with a few mostly statutory exceptions is that an appeal may be taken only from a final judgment.”); *In re Bill Heard Chevrolet, Ltd.*, 209 S.W.3d 311, 314 (Tex. App.—Houston [1st Dist.] 2006, orig. proceeding) (“[A]ll orders must be entered of record to be effective. . . . The order must be reduced to writing, signed by the trial court, and entered in the record.”); *see also* Tex. R. App. P. 26.1 (time to file appeal runs from date judgment or order is signed); Tex. R. Civ. P. 306a(2). The Clerk requested a response informing us of any basis that exists for jurisdiction.

On May 9, 2017, Sparks informed the Court that at the time of filing he “believed the judge’s letter order to be the final appealable order.” He stated that he later realized that he was incorrect and would have to draft a final order based on the “letter order” to have a final appealable order. He further stated that he received a transcript on May 1, 2017, but he had not yet submitted a draft order to the judge for signature. To date, no signed order has been filed with the clerk’s office. Accordingly, we dismiss the appeal for want of jurisdiction. *See Lehmann*, 39 S.W.3d at 195; Tex. R. App. P. 42.3(a). We also dismiss any pending motions.

Cindy Olson Bourland, Justice

Before Chief Justice Rose, Justices Field and Bourland

Dismissed for Want of Jurisdiction

Filed: June 8, 2017