

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-17-00090-CV

Harry E. Bundy, Jr., Appellant

v.

Adesa Houston d/b/a Adesa, Inc., Appellee

**FROM THE DISTRICT COURT OF BELL COUNTY, 146TH JUDICIAL DISTRICT
NO. 285,918-0, HONORABLE JACK WELDON JONES, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant Harry E. Bundy, Jr., acting pro se, filed a notice of appeal challenging only the district court's order granting a motion to transfer venue. However, as a general rule, a trial court's order on venue is interlocutory, and "[n]o interlocutory appeal shall lie from the trial court's venue determination." Tex. Civ. Prac. & Rem. Code § 15.064(a); *see also Boudreau v. Jaikaran*, No. 05-05-00544-CV, 2005 Tex. App. LEXIS 6245, at *1-2 (Tex. App.—Dallas Aug. 8, 2005, no pet.) (mem. op.) (concluding that court lacked jurisdiction over appeal from interlocutory order transferring venue).¹ Without a final judgment or otherwise appealable order, we may not exercise

¹ In the underlying suit Bundy also purported to represent a partnership pro se, which he refers to as a "non-appearing plaintiff." However, a partnership must be represented by counsel. *Simmons, Jannace & Stagg, L.L.P. v. Buzbee Law Firm*, 324 S.W.3d 833, 833 (Tex. App.—Houston [14th Dist.] 2010, no pet.). Because the partnership is not represented by counsel and is not appearing before the trial court, Bundy is the only plaintiff, and the statute permitting interlocutory appeals from certain venue rulings involving multiple plaintiffs does not apply here. *Cf.* Tex. Civ. Prac. & Rem. Code § 15.003.

appellate jurisdiction. *See* Tex. Civ. Prac. & Rem. Code § 51.014; *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001).

On February 24, 2017, this Court requested that Bundy file a written response demonstrating this Court’s jurisdiction over his appeal. Bundy’s response did not do so.²

We dismiss this appeal for want of jurisdiction. *See* Tex. R. App. P. 42.3(a).

Jeff Rose, Chief Justice

Before Chief Justice Rose, Justices Field and Bourland

Dismissed for Want of Jurisdiction

Filed: March 22, 2017

² Bundy’s response requested an extension of time to file his brief and to obtain a copy of the reporter’s record.