

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-17-00320-CV

Timothy Onkst, Appellant

v.

Jennifer Onkst, Appellee

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 345TH JUDICIAL DISTRICT
NO. D-1-FM-14-003084, HONORABLE TIM SULAK, JUDGE PRESIDING**

MEMORANDUM OPINION

Timothy Onkst seeks to appeal from a protective order granted and signed on February 9, 2017, in a pending suit affecting the parent–child relationship (SAPCR). However, we may not exercise appellate jurisdiction without a final judgment or otherwise appealable order. *See* Tex. Civ. Prac. & Rem. Code § 51.014; *Lehmann v. Har–Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). Pursuant to the Texas Family Code, “a protective order rendered against a party in a suit affecting the parent–child relationship may not be appealed until the time an order providing for support of the child or possession of or access to the child becomes a final, appealable order.” Tex. Fam. Code § 81.009(c). Because the protective order at issue was issued in a pending SAPCR, it is an interlocutory order over which we have no appellate jurisdiction. *See In re A.M.G.*, No. 07-16-00191-CV, 2016 WL 6471348, at *1 (Tex. App.—Amarillo Nov. 1, 2016, no pet.) (mem. op.) (dismissing for want of jurisdiction attempted appeal of protective order rendered in

still-pending SAPCR); *In re A.J.F.*, No. 05-06-01514-CV, 2007 WL 465950 (Tex. App.—Dallas Feb. 14, 2007, no pet.) (per curiam) (mem. op.) (same).

On May 22, 2017, Timothy Onkst filed a motion to abate the appeal pending the resolution of the underlying SAPCR. On June 15, 2017, the Clerk of this Court sent a letter notifying Timothy Onkst of this Court's jurisdictional concern, requesting that he provide a response to the jurisdictional issue by June 30, 2017, and cautioning that failure to file the response could result in dismissal of this appeal. No response was filed.

The appeal is dismissed for want of jurisdiction. *See* Tex. R. App. P. 42.3(a).

Jeff Rose, Chief Justice

Before Chief Justice Rose, Justices Pemberton and Goodwin

Dismissed for Want of Jurisdiction

Filed: July 11, 2017