

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-19-00028-CV

Ali Mahrou and Gysie Mahrou, Appellants

v.

**Reba A. Byrd Individually and as Trustee of Reba Byrd Trust;
and Charles Sampley, Appellees**

**FROM THE 33RD DISTRICT COURT OF BLANCO COUNTY
NO. CV-07130, THE HONORABLE J. ALLAN GARRETT, JUDGE PRESIDING**

MEMORANDUM OPINION

Ali and Gysie Mahrou filed a notice of appeal, complaining of the trial court's order denying their "Claim of Disobedience." Appellants' claim sought to hold appellees' successor in title in contempt for violating a permanent injunction pertaining to an easement on appellees' real property. *See* Tex. R. Civ. P. 692 (providing that court may punish "disobedience of an injunction" by contempt). We requested a response from appellants as to how this Court may exercise jurisdiction over this appeal. Appellants have filed a combined "Response to Court's Question of Jurisdiction and Brief of Appellants." Appellees have filed a brief responding to the jurisdictional question as well.

An order finding a party not in contempt is not a final, appealable judgment. *Norman v. Norman*, 692 S.W.2d 655, 655 (Tex. 1985) (per curiam) (holding that appellate court "erred in assuming jurisdiction over the present matter because an order finding a party not in

contempt is not a final, appealable judgment”); *see also Wagner v. Warnasch*, 295 S.W.2d 890, 893 (Tex. 1956) (holding that contempt orders are not appealable unless specifically authorized by statute); *Nieto v. Alvarado*, No. 03-17-00387-CV, 2018 WL 1440459, at *1 (Tex. App.—Austin Mar. 23, 2018, no pet.) (mem. op.) (dismissing for want of jurisdiction appeal of order denying motion for contempt). Appellants have not cited any authority demonstrating that this Court has jurisdiction over the trial court’s order denying their “claim of disobedience” seeking to hold appellees in contempt.

Accordingly, we dismiss the appeal for want of jurisdiction. *See* Tex. R. App. P. 42.3(a), 43.2(f).

Thomas J. Baker, Justice

Before Justices Goodwin, Baker, and Triana

Dismissed for Want of Jurisdiction

Filed: May 24, 2019