

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-21-00292-CV

City of Jarrell, Texas, Appellant

v.

BE Theon East Partnership No. 3, Ltd., Appellee

**FROM THE 425TH JUDICIAL DISTRICT COURT OF WILLIAMSON COUNTY,
NO. 20-0125-C425, THE HONORABLE BETSY F. LAMBETH, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant City of Jarrell, Texas has filed a notice of appeal from the trial court's order granting partial summary judgment and writ of mandamus.

On July 26, 2021, the Clerk of this Court advised appellant that it appears this Court lacks jurisdiction over this matter because the trial court's order was a non-appealable, interlocutory order. *See* Tex. Civ. Prac. & Rem. Code § 51.014 (listing appealable, interlocutory orders); *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001) (stating that "the general rule, with a few mostly statutory exceptions, is that an appeal may be taken only from a final judgment" and that "judgment is final for purposes of appeal if it disposes of all pending parties and claims in the record, except as necessary to carry out the decree"). The Clerk requested that appellant file a response by August 5, 2021, explaining how this Court may exercise jurisdiction over this appeal and advised it that the failure to do so would result in the dismissal of this appeal.

To date, appellant has not filed a response or explained how this Court has jurisdiction over this appeal, and no supplemental clerk's record has been filed that contains a final judgment or other appealable order to support this Court's jurisdiction. Because appellant has failed to demonstrate this Court's jurisdiction, we dismiss this appeal for want of jurisdiction. *See* Tex. R. App. P. 42.3(a), (c).

Melissa Goodwin, Justice

Before Justices Goodwin, Baker, and Smith

Dismissed for Want of Jurisdiction

Filed: August 12, 2021