



**NUMBER 13-21-00343-CV**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI – EDINBURG**

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**IN THE INTEREST OF M.L.H., A CHILD**

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**On appeal from the 347th District Court  
of Nueces County, Texas.**

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**MEMORANDUM OPINION**

**Before Chief Justice Contreras and Justices Hinojosa and Silva  
Memorandum Opinion by Justice Hinojosa**

Appellant filed a notice of appeal from a September 27, 2021 “oral judgment” issued in trial court cause number 2015-FAM-1524-H in the 347th District Court of Nueces County, Texas. On October 18, 2021, the Clerk of this Court notified appellant that, based upon our review of the filings, there was no final, appealable order. We requested appellant to correct this defect, if possible, and notified appellant that the appeal would be subject to dismissal if the defect was not corrected. See TEX. R. APP. P. 37.1. Appellant filed a response on October 26, 2021, conceding that the trial court had not signed a final

judgment but requesting that we consider the notice of appeal as prematurely filed.

This Court's jurisdiction is limited to appeals in which there exists a final judgment or other appealable order that has been signed by a judge. See *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001) (explaining that "the general rule, with a few mostly statutory exceptions, is that an appeal may be taken only from a final judgment"); see also TEX. CIV. PRAC. & REM. CODE ANN. § 51.012. The time for perfecting an appeal in a civil case runs from a signed judgment or order, not an oral rendition or a docket entry. See TEX. R. APP. P. 26.1; see, e.g., *Smith v. McCorkle*, 895 S.W.2d 692, 692 (Tex. 1995) (per curiam) ("A docket entry does not constitute a written order."). Accordingly, in some cases, after providing ten days' notice to the parties, we may dismiss an appeal for want of jurisdiction in the absence of a signed, written order. See TEX. R. APP. P. 42.3(a); see also, e.g., *Cobb v. Campbell*, No. 03-20-00037-CV, 2020 WL 828652, at \*1 (Tex. App.—Austin Feb. 20, 2020, no pet.) (mem. op.); *In re X.M.P.*, No. 05-18-01416-CV, 2019 WL 180698, at \*2 (Tex. App.—Dallas Jan. 14, 2019, no pet.) (mem. op.) (dismissing without prejudice to filing new notice of appeal after trial court signs judgment); see also *Ganesan v. Reeves*, 236 S.W.3d 816, 817 (Tex. App.—Waco 2007, pet. denied) (explaining that appellate courts are not required "to docket and hold an appeal open until there is an appealable judgment or order at some future date").

Although the trial court's oral rendition took place on September 27, 2021, there is still no signed final judgment a month later and appellant has not provided any date for which a signed final judgment can be expected. In the absence of a signed judgment, there is nothing for this Court to review and the appeal is premature. The Court, having examined and fully considered the notice of appeal, the record, and the applicable law, is

of the opinion that we lack jurisdiction over the appeal. Accordingly, we dismiss the appeal for want of jurisdiction without prejudice to filing a new notice of appeal after the trial court signs a judgment. See TEX. R. APP. P. 42.3(a).

LETICIA HINOJOSA  
Justice

Delivered and filed on the  
4th day of November, 2021.