



NUMBER 13-21-00381-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

IN THE INTEREST OF E.F. IV, A CHILD

**On appeal from the 92nd District Court
of Hidalgo County, Texas.**

MEMORANDUM OPINION

**Before Justices Benavides, Hinojosa, and Silva
Memorandum Opinion by Justice Benavides**

On August 19, 2020, a default order in a suit to modify the parent-child relationship was entered against appellee, E.F. III.¹ On June 28, 2021, E.F. III filed a petition for bill of review, seeking to vacate the order. On August 3, 2021, the trial court granted the petition for bill of review and vacated its prior order. Appellant C.Z. filed a notice of appeal seeking to overturn the order granting the bill of review.

¹ On our own motion, we identify the parties by their initials only. See TEX. FAM. CODE ANN. § 109.002(d).

As a general rule, courts of appeals have jurisdiction only over appeals taken from final judgments. *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). “A bill of review which sets aside a prior judgment but does not dispose of the case on the merits is interlocutory and not appealable.” *Jordan v. Jordan*, 907 S.W.2d 471, 472 (Tex. 1995) (first citing *Tesoro Petroleum v. Smith*, 796 S.W.2d 705 (Tex. 1990); and then citing *Warren v. Walter*, 414 S.W.2d 423 (Tex. 1967)). The trial court has ordered the case reinstated on its docket, indicating that the issues in the underlying modification case are now pending before it. *See id.*

On June 10, 2022, we notified C.Z. that the order from which she was attempting to appeal was not an appealable order. We informed her that unless she cured this defect within ten days, her appeal would be subject to dismissal. *See* TEX. R. APP. P. 42.3. C.Z. did not file a response. Consequently, on our own motion, we dismiss this appeal for want of jurisdiction. *See id.*; *see also Am. K-9 Detection Servs., LLC v. Freeman*, 556 S.W.3d 246, 260 (Tex. 2018) (holding that appellate courts have a duty to raise the issue of subject matter jurisdiction sua sponte).

GINA M. BENAVIDES
Justice

Delivered and filed on the
30th day of June, 2022.