

NO. 12-12-00310-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

<i>IN THE MATTER OF THE MARRIAGE</i>	§	<i>APPEAL FROM THE 294TH</i>
<i>OF SHANNON DANIELLE GRIMES</i>	§	<i>JUDICIAL DISTRICT COURT</i>
<i>AND JASON WAYNE GRIMES</i>	§	<i>VAN ZANDT COUNTY, TEXAS</i>

MEMORANDUM OPINION
PER CURIAM

On September 19, 2012, Appellant Jason Wayne Grimes filed a notice of appeal expressing his desire to “appeal from the order denying [Grimes’s] Motion for New Trial.” However, an order denying a motion for new trial is not appealable. *Overka v. Bauri*, No. 14-06-00083-CV, 2006 WL 2074688, at *1 (Tex. App.–Houston [14th Dist.] July 27, 2006, no pet.) (mem. op.). Therefore, on the date the notice of appeal was filed, this court notified Grimes, pursuant to Texas Rule of Appellate Procedure 37.1, that the information received in this appeal does not contain a final judgment or other appealable order. Grimes was further informed that the appeal would be dismissed if the information received in the appeal was not amended to show the jurisdiction of this court.

In response, Grimes informed the court that he is unable to provide a copy of the order he seeks to appeal because the trial court has not filed an order denying his motion for new trial. An order denying a motion for new trial is not appealable. *Id.* Therefore, providing a copy of the order would not show the jurisdiction of this court. Moreover, Grimes has not cited any other basis for his contention that this court has jurisdiction of the appeal. Accordingly, the appeal is *dismissed for want of jurisdiction*. See TEX. R. APP. P. 37.1, 42.3.

Opinion delivered October 17, 2012.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(PUBLISH)



COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS
JUDGMENT

OCTOBER 17, 2012

NO. 12-12-00310-CV

IN THE MATTER OF THE MARRIAGE OF
SHANNON DANIELLE GRIMES AND
JASON WAYNE GRIMES

Appeal from the 294th Judicial District Court
of Van Zandt County, Texas. (Tr.Ct.No. 12-00099)

THIS CAUSE came to be heard on the appellate record; and the same being considered, it is the opinion of this court that this court is without jurisdiction of the appeal, and that the appeal should be dismissed.

It is therefore ORDERED, ADJUDGED and DECREED by this court that this appeal be, and the same is, hereby **dismissed for want of jurisdiction**; and that this decision be certified to the court below for observance.

By per curiam opinion.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.