

NO. 12-14-00192-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***ONUYOM GODREY UKPONG,
APPELLANT***

§ ***APPEAL FROM THE 366TH***

V.

§ ***JUDICIAL DISTRICT COURT***

***DAWN DEBORRAH UKPONG,
APPELLEE***

§ ***COLLIN COUNTY, TEXAS***

***MEMORANDUM OPINION
PER CURIAM***

Appellant, Onoyom Godrey Ukpong, filed a notice of appeal from “an order entered by the 366[th] Judicial District Court, Collin County, Texas, on May 21, 2014 denying Appellant’s Motion for New Trial.”

We have jurisdiction to hear an appeal from a final judgment or from interlocutory orders as expressly authorized by statute. *See* TEX. CIV. PRAC. & REM. CODE ANN. §§ 51.012, 51.014 (West Supp. 2014). An order denying a motion for new trial is not a judgment, and is not independently appealable. *State Office of Risk Mgmt. v. Berdan*, 335 S.W.3d 421, 428 (Tex. App.–Corpus Christi 2011, pet. denied); *see also* TEX. CIV. PRAC. & REM. CODE ANN. § 51.014. Any appeal is required to be taken from the judgment, not from the denial of the motion for new trial. *Macklin v. Saia Motor Freight Lines, Inc.*, No. 06-12-00038-CV, 2012 WL 1155141, at *1 (Tex. App.–Texarkana Apr. 6, 2012, pet. denied).

In accordance with Texas Rule of Appellate Procedure 42.3, we provided notice to Ukpong that the appeal would be dismissed unless, on or before August 11, 2014, the information in the appeal was amended to show the jurisdiction of this court. Ukpong responded by calling our attention to the final divorce decree included in the clerk’s record. However, he does not attempt to appeal the final divorce decree, and its inclusion in the clerk’s record does not give this court jurisdiction of his appeal from the trial court’s order denying his motion for

new trial. See *Berdan*, 335 S.W.3d at 428. Accordingly, the appeal is *dismissed for want of jurisdiction*.

Opinion delivered August 13, 2014.

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

(PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

AUGUST 13, 2014

NO. 12-14-00192-CV

ONUYOM GODREY UKPONG,
Appellant
V.
DAWN DEBORRAH UKPONG,
Appellee

Appeal from the 366th District Court
of Collin County, Texas (Tr.Ct.No. 366-52121-2013)

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.