

NO. 12-16-00242-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

EX PARTE: § *APPEAL FROM THE 3RD*
DONALD RAY BISCAMP § *JUDICIAL DISTRICT COURT*
§ *ANDERSON COUNTY, TEXAS*

MEMORANDUM OPINION
PER CURIAM

Donald Ray Biscamp filed a motion for rehearing, which is overruled. However, we withdraw our September 21, 2016 opinion and substitute the following opinion in its place.

Donald Ray Biscamp attempts to appeal the trial court's denial of his motion for expunction. However, the clerk's record in this case does not include a final judgment or other appealable order. Therefore, the record does not show that this Court has jurisdiction of the appeal. On September 2, 2016, this Court notified Biscamp of the defect. *See* TEX. R. APP. P. 37.2. Biscamp was further notified that his appeal would be dismissed if the information received in the appeal was not amended, on or before October 3, 2016, to show the jurisdiction of this Court. *See* TEX. R. APP. P. 42.3(a). The October 3 deadline has now passed, and we have not received a final judgment or other appealable order in this appeal. Accordingly, the appeal is *dismissed for want of jurisdiction*. *See* TEX. R. APP. P. 37.2, 42.3.

Opinion delivered December 9, 2016.

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

(PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

DECEMBER 9, 2016

NO. 12-16-00242-CV

EX PARTE: DONALD RAY BISCAMP

Appeal from the 3rd District Court
of Anderson County, Texas (Tr.Ct.No. DCCV16-171-3)

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., Hoyle, J. and Neeley, J.