

COURT OF APPEALS OF TEXAS, FOURTH DISTRICT, SAN ANTONIO

**Robert Corley v. Timothy Corley, Jason Corley and Century Oaks
Land LLC**

No. 04-21-00181-CV (Tex. App.—San Antonio June 30, 2021) (per curiam) (mem. op.) · No. 04-21-00181-CV ·

Decided June 30, 2021

SUMMARY

The Fourth Court of Appeals of Texas denied Robert Corley’s petition for permissive appeal from an interlocutory summary-judgment order and dismissed the appeal for want of jurisdiction. The court explained that permissive appeals are discretionary and cited Texas Civil Practice and Remedies Code section 51.014(d) and Texas Rule of Appellate Procedure 28.3.

OPINION

PER CURIAM.

Fourth Court of Appeals San Antonio, Texas MEMORANDUM OPINION No. 04-21-00181-CV Robert CORLEY, Appellant v. Timothy CORLEY, Jason Corley and Century Oaks Land LLC, Appellees From the 45th Judicial District Court, Bexar County, Texas Trial Court No. 2017CI02547 Honorable Norma Gonzales, Judge Presiding PER CURIAM Sitting: Rebeca C. Martinez, Chief Justice Patricia O. Alvarez, Justice Luz Elena D. Chapa, Justice Delivered and Filed: June 30, 2021 PETITION FOR PERMISSIVE APPEAL DENIED; DISMISSED FOR WANT OF JURISDICTION Appellant, Robert Corley, has filed a petition for permissive appeal, seeking to challenge an interlocutory order denying his partial motion for summary judgment and granting a motion of summary judgment in favor of appellees, Timothy Corley, Jason Corley, and Century Oaks Land LLC. To be entitled to a permissive appeal from an interlocutory order that would not otherwise be appealable, the requesting party must establish that (1) the order to be appealed involves a “controlling question of law as to which there is a substantial ground for difference of opinion” 04-21-00181-CV and (2) an immediate appeal from the order “may materially advance the ultimate termination of the litigation.” See TEX. CIV.

PRAC. & REM. CODE ANN. § 51.014(d); see also TEX. R. APP. P. 28.3. Having fully considered appellant’s petition, we deny the petition for permissive appeal. See TEX. CIV. PRAC. & REM. CODE ANN. § 51.014(d); TEX. R. APP. P. 28.3(e)(4); see also Sabre Travel Int’l, Ltd. v. Deutsche Lufthansa AG, 567 S.W.3d 725, 732 (Tex. 2019) (“Texas courts of appeals have discretion to accept or deny permissive interlocutory appeals....”).

1 Accordingly, we dismiss this appeal for lack of jurisdiction. See *Durairaj v. Durairaj*, No. 04-19-00271-CV, 2019 WL 3937275, at *1 (Tex. App.—San Antonio Aug. 21, 2019, no pet.) (mem. op.) (per curiam) (denying a petition for permissive appeal and dismissing the appeal for lack of jurisdiction). PER CURIAM 1 We recognize that the denial of a petition for permissive appeal does not prevent the Texas Supreme Court from reaching the merits of the underlying interlocutory order.

See *Sabre Travel Int'l*, 567 S.W.3d at 733 (“If the trial court concludes that the threshold requirements are satisfied and certifies the interlocutory order according to section 51.014(d), it ‘permits an appeal’ from the order, and [the Texas Supreme] Court’s jurisdiction is then proper under section 22.225(d) regardless of how the court of appeals exercises its discretion over the permissive appeal.”). -2-