

COURT OF APPEALS OF TEXAS, FOURTH DISTRICT, SAN ANTONIO

Jimmy Diaz v. Robert T. Rice and Savannah Robinson

Court of Appeals of Texas, Fourth District, San Antonio (July 27, 2015)

SUMMARY

This per curiam Texas appellate decision concerns Jimmy Diaz's appeal involving service of process and related trial-court motions. The document discusses the adequacy of service and procedural rulings in the underlying civil action.

CASE DETAILS

|                    |                                                                                                             |
|--------------------|-------------------------------------------------------------------------------------------------------------|
| COURT              | Court of Appeals of Texas, Fourth District, San Antonio                                                     |
| JURISDICTION       | Texas                                                                                                       |
| DECIDED            | July 27, 2015                                                                                               |
| DISPOSITION        | dismissed                                                                                                   |
| PROCEDURAL POSTURE | Appeal from an interlocutory trial-court order, including an order denying a motion for summary judgment.   |
| STANDARD OF REVIEW | The existence of appellate jurisdiction and the appealability of the challenged order are reviewed de novo. |
| PRECEDENTIAL VALUE | Published Texas intermediate appellate opinion                                                              |
| PARTIES            | Jimmy Diaz v. Robert T. Rice, Savannah Robinson                                                             |

TOPICS

- appellate jurisdiction
- interlocutory appeal
- summary judgment
- civil procedure

PRACTICE AREAS

- civil procedure
- appellate jurisdiction

QUESTIONS PRESENTED

- Whether the appellate court had jurisdiction over an appeal from the challenged interlocutory order.
- Whether the district court's order denying or otherwise ruling on the motion for summary judgment was immediately appealable.

HOLDINGS

1. The appellate court lacked jurisdiction because the challenged interlocutory order was not immediately appealable.

## FACTUAL BACKGROUND

The underlying dispute involved Diaz and the appellees in a civil action pending in a Texas district court. During the proceeding, Diaz sought relief through motions including a motion for summary judgment, and the district court entered an order that Diaz attempted to appeal.

## PROCEDURAL HISTORY

Jimmy Diaz appealed from orders entered by the district court during the underlying civil proceeding. The appellate court concluded that the challenged order was not appealable and dismissed the appeal for want of jurisdiction.

## DISPOSITION

dismissed

## OPINION

PER CURIAM.

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