

COURT OF APPEALS OF TEXAS, EIGHTH DISTRICT, EL PASO

**David Goad v. Zuehl Airport Flying Community Owners Association,
Inc.**

No. 08-10-00216-CV · No. No. 08-10-00216-CV · Decided September 22, 2010

OPINION

PER CURIAM.

COURT OF APPEALS EIGHTH DISTRICT OF TEXAS EL PASO, TEXAS DAVID GOAD, Appellant, v. ZUEHL AIRPORT FLYING COMMUNITY OWNERS ASSOCIATION, INC., Appellee. § § § § § § No. 08-10-00216-CV Appeal from the 25th Judicial District Court of Guadalupe County, Texas (TC# 08-1872-CV) MEMORANDUM OPINION Pending before the Court are two motions filed by the Appellee.

In the first motion, Appellee requests that this Court reconsider our order permitting the Appellant to proceed in forma pauperis, on appeal. In the second motion, Appellee requests that this Court dismiss the appeal for lack of jurisdiction.

Because a final, appealable order has not been issued by the trial court in this case we will grant Appellee's motion to dismiss. Appellee's motion for reconsideration will be denied as moot. Appellant filed a notice of appeal on June 30, 2010.

The notice of appeal states, in part: The order appealed from was verbal [sic] made on March 31, 2010. The order was never signed. However, the actions of the Court constitute the same by the seizer [sic] of property.

The clerk's record does not include an order referencing the trial court's March 31 rulings, nor does it contain a final judgment. Appellate courts generally have jurisdiction over final judgments, and such interlocutory orders as the legislature deems appealable. Tex.Civ.Prac.&Rem.Code Ann. § 51.012 (Vernon Supp. 2010) & § 51.014 (Vernon 2008); Ruiz v. Ruiz, 946 S.W.2d 123, 124 (Tex.App.--El Paso 1997, no pet.).

Given the absence of a final judgment or appealable order in this case, Appellee's motion to dismiss for lack of jurisdiction is GRANTED. Appellee's motion for reconsideration is DENIED as moot. September 22, 2010 DAVID WELLINGTON CHEW, Chief Justice Before Chew, C.J., McClure, and Rivera, JJ.