

FOURTH COURT OF APPEALS OF TEXAS, SAN ANTONIO

Patrick Minor v. Kentucky Fried Chicken

No. 04-26-00136-CV (Tex. App.—San Antonio Apr. 15, 2026) · No. 04-26-00136-CV · Decided April 15, 2026

SUMMARY

The Fourth Court of Appeals of Texas dismissed Patrick Minor’s appeal for lack of jurisdiction. The court held that the denial of a motion for default judgment is ordinarily an interlocutory order that may be appealed only after final judgment, and Minor did not respond to the court’s order to show cause.

CASE DETAILS

|                       |                                                                                                |
|-----------------------|------------------------------------------------------------------------------------------------|
| COURT                 | Fourth Court of Appeals of Texas, San Antonio                                                  |
| WRITING FOR THE COURT | Per Curiam; Rebeca C. Martinez, Chief Justice; H. Todd McCray, Justice; Velia J. Meza, Justice |
| JURISDICTION          | Fourth Court of Appeals of Texas, San Antonio                                                  |
| DECIDED               | April 15, 2026                                                                                 |
| DOCKET                | 04-26-00136-CV                                                                                 |
| DISPOSITION           | dismissed                                                                                      |
| PROCEDURAL POSTURE    | Appeal from the denial of appellant's motion for default judgment.                             |
| STANDARD OF REVIEW    | The court reviewed its appellate jurisdiction de novo.                                         |
| PRECEDENTIAL VALUE    | published                                                                                      |
| PARTIES               | Patrick Minor v. Kentucky Fried Chicken                                                        |

TOPICS

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

PRACTICE AREAS

- civil procedure
- appellate procedure

QUESTIONS PRESENTED

- Whether the denial of a motion for default judgment is immediately appealable before entry of a final judgment in the underlying proceeding.
- Whether the court of appeals had jurisdiction over the appeal.

## HOLDINGS

1. An order denying a default judgment is ordinarily an interlocutory order and is not subject to appeal before entry of a final judgment in the underlying proceeding.

## FACTUAL BACKGROUND

Minor sought a default judgment in the underlying proceeding. The trial court denied the motion, and Minor attempted to appeal that denial before entry of a final judgment.

## PROCEDURAL HISTORY

The 407th Judicial District Court of Bexar County denied Minor's motion for default judgment. The court of appeals ordered Minor to show cause why the appeal should not be dismissed for lack of jurisdiction; Minor did not respond, and the court dismissed the appeal.

## DISPOSITION

dismissed

## CASES CITED

- Aguilar v. Livingston, 154 S.W.3d 832, 833 (Tex. App.—Houston [14th Dist.] 2005, no pet.)
- Samuels v. Tex. Workforce Comm’n, No. 04-25-00063-CV, 2025 WL 984588 (Tex. App.—San Antonio Apr. 2, 2025, no pet.)
- S. Pioneer Prop. & Cas. Ins. Co. v. Wilson, No. 01-17-00444-CV, 2018 WL 3384558, at \*3 (Tex. App.—Houston [1st Dist.] July 12, 2018, no pet.)

## OPINION

Patrick Minor v. Kentucky Fried Chicken

PER CURIAM.

Fourth Court of Appeals San Antonio, Texas

MEMORANDUM OPINION

No. 04-26-00136-CV Patrick MINOR, Appellant v.

KENTUCKY FRIED CHICKEN,

Appellee From the 407th Judicial District Court, Bexar County, Texas Trial Court No. 2025-CI-24851 Honorable Mary Lou Alvarez, Judge Presiding

PER CURIAM

Sitting: Rebeca C. Martinez, Chief Justice H. Todd McCray, Justice Velia J. Meza, Justice

Delivered and Filed: April 15, 2026

DISMISSED FOR LACK OF JURISDICTION

Patrick Minor challenges the trial court’s denial of his motion for default judgment. Ordinarily, the denial of a default judgment is an interlocutory order and not subject to appeal. See TEX. CIV.

PRAC. & REM. CODE § 51.014(a); Aguilar v. Livingston, 154 S.W.3d 832, 833 (Tex. App. Houston [14th Dist.] 2005, no pet.). Such an order may be appealed only after the entry of a final judgment in the underlying proceeding. See Samuels v. Tex. Workforce Comm'n, No. 04-25-00063- CV, 2025 WL 984588 (Tex. App.—San Antonio Apr. 2, 2025, no pet.); S. Pioneer Prop. & Cas. 04-26-00136-CV Ins. Co. v. Wilson, No. 01-17-00444-CV, 2018 WL 3384558, at \*3 (Tex. App.—Houston [1st Dist.] July 12, 2018, no pet.). We therefore ordered Minor to show cause why this appeal should not be dismissed for lack of jurisdiction. Minor has not responded. Accordingly, we dismiss this appeal for lack of jurisdiction. See *id.*; TEX. R. APP. P. 42.3.

PER CURIAM

-2-