

COURT OF APPEALS FOR THE THIRTEENTH DISTRICT OF TEXAS,
CORPUS CHRISTI–EDINBURG

Joe Kessling D/B/A Kessling Services v. Ricardo Venegas Jr., Crystal
A. Ortiz, and Encanto Envestments, LLC

No. 13-25-00601-CV · No. No. 13-25-00601-CV · Decided February 26, 2026

SUMMARY

The Thirteenth Court of Appeals of Texas dismissed the appeal for want of jurisdiction. The court held that the order granting partial summary judgment was not appealable, and the appellant failed to cure the jurisdictional defect after notice.

CASE DETAILS

COURT	Court of Appeals for the Thirteenth District of Texas, Corpus Christi–Edinburg
WRITING FOR THE COURT	Jaime Tijerina, Chief Justice; Chief Justice Jaime Tijerina; Justice Peña; Justice West
JURISDICTION	Court of Appeals for the Thirteenth District of Texas
DECIDED	February 26, 2026
DOCKET	No. 13-25-00601-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from an order granting Encanto Envestments, LLC's motion for partial summary judgment; the court dismissed the appeal for want of jurisdiction because the order was unappealable and appellant failed to cure the defect.
STANDARD OF REVIEW	The court reviewed the documents on file to determine whether it had appellate jurisdiction.
PRECEDENTIAL VALUE	Published memorandum opinion
PARTIES	Joe Kessling d/b/a Kessling Services v. Ricardo Venegas Jr., Crystal A. Ortiz, Encanto Envestments, LLC

TOPICS

- appellate jurisdiction
- interlocutory appeal
- final judgment rule
- appellate procedure
- civil procedure

PRACTICE AREAS

Civil procedure

Appellate procedure

QUESTIONS PRESENTED

1. Whether the order granting partial summary judgment was an appealable interlocutory order or final judgment.
2. Whether the court had appellate jurisdiction over the attempted appeal.

HOLDINGS

1. Absent an appealable interlocutory order or final judgment, the court of appeals lacks jurisdiction over the appeal. Because the order appealed from was unappealable and appellant failed to cure the defect, the appeal had to be dismissed for want of jurisdiction.

KEY QUOTATIONS

“Absent an appealable interlocutory order or final judgment, this Court has no jurisdiction over this appeal.”

FACTUAL BACKGROUND

The appeal arose from an order granting Encanto Envestments, LLC's motion for partial summary judgment. Joe Kessling attempted to appeal that order, but the appellate court determined that it was not an appealable interlocutory order or final judgment. After receiving notice of the jurisdictional defect, Kessling failed to respond or correct it.

PROCEDURAL HISTORY

Appellant filed a notice of appeal on November 11, 2025, attempting to appeal an order granting a defendant's motion for partial summary judgment in trial court cause number 2024-DCV-0018-E. The appellate clerk notified appellant that the order appeared unappealable and allowed ten days to cure the defect. Appellant did not respond or otherwise cure the defect, so the court dismissed the appeal for want of jurisdiction.

DISPOSITION

dismissed

CASES CITED

- Ogletree v. Matthews, 262 W.S.3d 316, 319 n. 1 (Tex. 2007)
- Lehmann v. Har-Con Corp., 39 S.W.3d 191, 205 (Tex. 2001)

OPINION

Joe Kessling D/B/A Kessling Services v. Ricardo Venegas Jr., Crystal A. Ortiz, and Encanto Envestments, LLC

PER CURIAM.

NUMBER 13-25-00601-CV
COURT OF APPEALS
THIRTEENTH DISTRICT OF TEXAS
CORPUS CHRISTI – EDINBURG
JOE KESSLING
D/B/A KESSLING SERVICES, Appellant, v.
RICARDO VENEGAS JR.,
CRYSTAL A. ORTIZ, AND
ENCANTO ENVESTMENTS, LLC, Appellees.
ON APPEAL FROM THE 148TH DISTRICT COURT
OF NUECES COUNTY, TEXAS
MEMORANDUM OPINION

Before Chief Justice Tijerina and Justices Peña and West Memorandum Opinion by Chief Justice Tijerina This cause is before the Court on its own motion. On November 11, 2025, appellant filed a notice of appeal attempting to appeal an order granting defendant Encanto Envestments, LLC's motion for partial summary judgment in trial court cause number 2024-DCV-0018-E. On November 12, 2025, the Clerk of the Court notified appellant that it appears the order he is attempting to appeal is unappealable. Appellant was further notified that if the defect was not cured within ten days, the appeal would be dismissed. See TEX. R. APP. P. 42.3. Appellant has failed to respond to the notice or otherwise cure the defect. Upon review of the documents before us, we are of the opinion that the order appellant attempted to appeal is unappealable, and appellant has failed to correct the defect. Absent an appealable interlocutory order or final judgment, this Court has no jurisdiction over this appeal. See *Ogletree v. Matthews*, 262 W.S.3d 316, 319 n. 1 (Tex. 2007); *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 205 (Tex. 2001). Having considered the documents on file and appellant's failure to correct the jurisdictional defect in this matter, we dismiss the appeal for want of jurisdiction. See TEX. R. APP. P. 42.3(a).

JAIME TIJERINA

Chief Justice Delivered and filed on the 26th day of February, 2026. 2