

COURT OF APPEALS OF TEXAS, SECOND DISTRICT, FORT WORTH

Sheik Tehuti v. Lisa R. Woodard

Sheik Tehuti v. Lisa R. Woodard · No. 02-17-00395-CV · Decided April 5, 2018

SUMMARY

The Texas Court of Appeals for the Second District dismissed Sheik Tehuti’s appeal for want of jurisdiction. The court concluded that the challenged interlocutory transfer orders were not appealable and that the appeal was moot to the extent it sought transfer of the underlying case.

OPINION

PER CURIAM.

COURT OF APPEALS SECOND DISTRICT OF TEXAS FORT WORTH NO. 02-17-00395-CV
SHEIK TEHUTI APPELLANT V. LISA R. WOODARD APPELLEE FROM THE 48TH
DISTRICT COURT OF TARRANT COUNTY TRIAL COURT NO. 048-295637-17
MEMORANDUM OPINION 1 Pro se Appellant Sheik Tehuti attempts to appeal the November 7, 2017 interlocutory orders denying his “Motion to Transfer Texas Rule of Civil Procedure 202” and “Motion to Transfer...

All Cases to Another Venue from Judge Wade Birdwell’s Court and Claims of Judicial Misconduct Pending... ” (the denied transfer orders). The underlying case was transferred from the 1 See Tex. R. App. P. 47.4. 342nd District Court to the 48th District Court on the same day that Appellant’s motions were denied.

Thus, this appeal is moot to the extent that the transfer of Appellant’s case to a different court and judge was the relief he sought. See Heckman v. Williamson Cty., 369 S.W.3d 137, 166–67 (Tex. 2012); Gen. Land Office v. OXY U.S.A., Inc., 789 S.W.2d 569, 570–72 (Tex. 1990). Alternatively, an order denying a motion to recuse is not an appealable interlocutory order, Tex. R. Civ.

P. 18a(f); Hawkins v. Walker, 233 S.W.3d 380, 401 (Tex. App.—Fort Worth 2007, pet. denied), nor is an order denying a motion to disqualify, Vega v. Lira, No. 01-16-00369-CV, 2016 WL 4253696, at *2 (Tex. App.—Houston [1st Dist.] Aug. 11, 2016, no pet.) (mem. op.).

On January 22, 2018, we notified the parties of our concern that we lack jurisdiction over this appeal because the denied transfer orders do not appear to be appealable interlocutory orders or a final judgment, and we also notified them that the appeal appears moot to the extent that the relief Appellant sought was the transfer of his case to a different court.

We informed the parties that we could dismiss the appeal absent a response showing grounds for continuing the appeal. See Tex. R. App. P. 42.3, 44.3. We have received no response. Accordingly, we dismiss this appeal for want of jurisdiction. See Tex. Civ. Prac. & Rem. Code Ann. § 51.014(a) (West Supp. 2017) (listing types of appealable interlocutory orders); *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex.

2001) (stating that generally an appeal may be taken only from a final judgment and that a judgment is final and appealable if it disposes of all parties and all issues); see also Tex. R. App. P. 42.3(a), 43.2(f). PER CURIAM PANEL: PITTMAN, J.; SUDDERTH, C.J.; and WALKER, J. SUDDERTH, C.J., concurs without opinion. DELIVERED: April 5, 2018 3