

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.

CASE DETAILS

COURT	Court of Appeals of Texas, Second District, Fort Worth
WRITING FOR THE COURT	Pittman, J.; Sudderth, C.J.; Walker, J.
JURISDICTION	Texas
DECIDED	April 5, 2018
DOCKET	02-17-00395-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se appellant attempted to appeal interlocutory orders denying motions seeking transfer of the case and alleging judicial misconduct. The court questioned its jurisdiction and the mootness of the appeal, received no response, and dismissed the appeal for want of jurisdiction.
STANDARD OF REVIEW	The court reviewed its own appellate jurisdiction, including whether the challenged orders were appealable interlocutory orders or a final judgment and whether the appeal was moot.
PRECEDENTIAL VALUE	Published memorandum opinion
PARTIES	Sheik Tehuti v. Lisa R. Woodard

TOPICS

appellate jurisdiction

interlocutory appeal

mootness

final judgment rule

appellate procedure

PRACTICE AREAS

Civil procedure

Appellate procedure

QUESTIONS PRESENTED

1. Whether the appeal could be maintained when the challenged transfer orders were not appealable interlocutory orders and no final judgment had been entered.
2. Whether the appeal was moot to the extent appellant sought transfer of the case to a different court and judge.
3. Whether an order denying a motion to recuse or disqualify is an appealable interlocutory order.

HOLDINGS

1. The court lacked appellate jurisdiction because the denied transfer orders were not appealable interlocutory orders or a final judgment.
2. The appeal was moot to the extent appellant sought transfer of his case to a different court and judge because the case had already been transferred.
3. An order denying a motion to recuse or a motion to disqualify is not an appealable interlocutory order under the circumstances presented.

KEY QUOTATIONS

“Accordingly, we dismiss this appeal for want of jurisdiction.” (at 2)

“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.” (at 1)

FACTUAL BACKGROUND

Sheik Tehuti sought transfer of his case and asserted claims of judicial misconduct in motions filed in the trial court. The motions were denied on November 7, 2017. On that same day, the underlying case was transferred from the 342nd District Court to the 48th District Court, rendering the requested transfer relief moot to that extent.

PROCEDURAL HISTORY

The underlying case was transferred from the 342nd District Court to the 48th District Court on the same day that the challenged motions were denied. The trial court entered the challenged orders on November 7, 2017. The court of appeals notified the parties that the orders did not appear appealable and that the transfer-related relief appeared moot; after receiving no response, it dismissed the appeal.

DISPOSITION

dismissed

CASES CITED

- 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)

- Hawkins v. Walker, 233 S.W.3d 380, 401 (Tex. App.—Fort Worth 2007, pet. denied)
- 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.)
- Lehmann v. Har-Con Corp., 39 S.W.3d 191, 195 (Tex. 2001)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/texas-court-of-appeals-of-texas-second-district-fort-worth/2018/sheik-tehuti-v-lisa-r-woodard-j57f7iyj>