

FOURTH COURT OF APPEALS OF SAN ANTONIO, TEXAS

Bianca Fox v. Cypress at Stone Oak

No. 04-26-00120-CV · No. No. 04-26-00120-CV · Decided April 8, 2026

SUMMARY

The Fourth Court of Appeals of San Antonio dismissed Bianca Fox’s appeal for lack of jurisdiction. The court determined that no final judgment or appealable interlocutory order had been signed, and that the orders concerning protection and subpoena compliance were not appealable; all pending motions were denied as moot.

CASE DETAILS

COURT	Fourth Court of Appeals of San Antonio, Texas
WRITING FOR THE COURT	Rebeca C. Martinez, Chief Justice; Irene Rios, Justice; Lori I. Valenzuela, Justice
JURISDICTION	Fourth Court of Appeals of San Antonio, Texas
DECIDED	April 8, 2026
DOCKET	No. 04-26-00120-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellant filed a notice of appeal purporting to appeal a turnover order. The appellate court determined that the record contained only interlocutory orders and dismissed the appeal for lack of jurisdiction after appellant failed to respond to a show-cause order.
STANDARD OF REVIEW	The appellate court determined its own appellate jurisdiction; Texas appellate courts generally have jurisdiction only to review final judgments unless an interlocutory appeal is specifically authorized by statute.
PRECEDENTIAL VALUE	published
PARTIES	Bianca Fox v. Cypress at Stone Oak

TOPICS

- appellate jurisdiction
- interlocutory appeal
- appellate procedure
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court of appeals had jurisdiction over an appeal from the identified January 30, 2026 orders.
2. Whether the appeal should be dismissed because neither a final judgment nor an appealable interlocutory order had been signed.

HOLDINGS

1. The court of appeals lacked jurisdiction because the record contained neither a final judgment nor an interlocutory order authorizing an appeal.

KEY QUOTATIONS

““Unless specifically authorized by statute, Texas appellate courts have jurisdiction only to review final judgments.”” (at -2-)

FACTUAL BACKGROUND

Fox purported to appeal a turnover order signed on January 30, 2026. The clerk's record contained no such turnover order, but contained an order denying her motion for protection and an order requiring her to comply with a subpoena.

PROCEDURAL HISTORY

Fox filed a notice of appeal on February 12, 2026, identifying a purported January 30, 2026 turnover order. The clerk's record contained no such order, but did contain orders denying a motion for protection and requiring compliance with a subpoena. The court ordered Fox to show cause why the appeal should not be dismissed for lack of jurisdiction; she filed no response. The court dismissed the appeal.

DISPOSITION

dismissed

CASES CITED

- Pelt v. State Bd. Of Ins., 802 S.W.2d 822, 826 (Tex. App.—Austin 1990, no writ)
- RWLS L.L.C. v. Gray Wireline Service, Inc., 359 S.W.3d 927, 928 (Tex. App.—Houston [14th Dist.] 2012, pet. denied) (per curiam, sub. op. on reh'g)
- McFadin v. Broadway Coffeehouse, LLC, 539 S.W.3d 278, 283 (Tex. 2018)

OPINION

Bianca Fox v. Cypress at Stone Oak

PER CURIAM.

Fourth Court of Appeals San Antonio, Texas

MEMORANDUM OPINION

No. 04-26-00120-CV Bianca FOX, Appellant v. CYPRESS at Stone Oak, Appellee From the County Court at Law No. 3, Bexar County, Texas Trial Court No. 2023-CV-01033 Honorable David J. Rodriguez, Judge Presiding

PER CURIAM

Sitting: Rebeca C. Martinez, Chief Justice Irene Rios, Justice Lori I. Valenzuela, Justice Delivered and Filed: April 8, 2026

DISMISSED FOR LACK OF JURISDICTION

On February 12, 2026, appellant Bianca Fox, proceeding pro se, filed a notice of appeal purporting to appeal a turnover order signed on January 30, 2026. The clerk's record contains no turnover order signed on January 30, 2026. Instead, the clerk's record contains two interlocutory orders signed on January 30, 2026, those being: (1) an order denying Fox's motion for protection, and (2) an order requiring Fox to comply with a subpoena. It appears that Fox intends to appeal from these interlocutory orders. See *Pelt v. State Bd. Of Ins.*, 802 S.W.2d 822, 826 (Tex. App.— 04-26-00120-CV Austin 1990, no writ) (holding that an order denying a motion to quash subpoena is not appealable); see also *RWLS L.L.C. v. Gray Wireline Service, Inc.*, 359 S.W.3d 927, 928 (Tex. App.—Houston [14th Dist.] 2012, pet. denied) (per curiam, sub. op. on reh'g) (holding that an order denying stay and compelling compliance with subpoena is not appealable). "Unless specifically authorized by statute, Texas appellate courts have jurisdiction only to review final judgments." *McFadin v. Broadway Coffeehouse, LLC*, 539 S.W.3d 278, 283 (Tex. 2018). Accordingly, this court ordered appellant to show cause in writing by March 18, 2026, why this appeal should not be dismissed for lack of jurisdiction. Appellant has filed no response. Because neither a final judgment nor an interlocutory order that may afford an authorized interlocutory appeal has been signed in the underlying cause, this appeal is dismissed for lack of jurisdiction. 1 See TEX. R. APP. P. 42.3(a) (appellate court may dismiss an appeal for lack of jurisdiction).

PER CURIAM

1 All pending motions are denied as moot. -2-