

COURT OF APPEALS FOR THE SECOND APPELLATE DISTRICT OF TEXAS
AT FORT WORTH

Amanda Canida v. B&H Realty, LLC

Amanda Canida v. B&H Realty, LLC · No. No. 02-26-00315-CV · Decided June 4, 2026

SUMMARY

The Texas Court of Appeals for the Second Appellate District dismissed Amanda Canida’s appeal for want of jurisdiction. The trial court’s order granting B&H Realty, LLC’s Rule 91a motion and awarding attorney’s fees did not dispose of B&H Construction, LLC’s pending claims, and the amount of fees had not yet been determined, so the order was neither a final judgment nor an appealable interlocutory order.

CASE DETAILS

COURT	Court of Appeals for the Second Appellate District of Texas at Fort Worth
WRITING FOR THE COURT	Brian Walker; Sudderth, C.J.; Kerr, J.; Walker, J.
JURISDICTION	Court of Appeals for the Second Appellate District of Texas at Fort Worth
DECIDED	June 4, 2026
DOCKET	No. 02-26-00315-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Canida, acting pro se, appealed from an order granting B&H Realty's motion to dismiss under Texas Rule of Civil Procedure 91a and awarding attorney's fees. The court of appeals dismissed the appeal for want of jurisdiction because the order was neither a final judgment nor an appealable interlocutory order.
STANDARD OF REVIEW	Jurisdiction is reviewed as a threshold matter; the court determines whether the appealed order is a final judgment or an interlocutory order made immediately appealable by statute.
PRECEDENTIAL VALUE	Published memorandum opinion; precedential status is identified as published in the supplied metadata.
PARTIES	Amanda Canida v. B&H Realty, LLC

TOPICS

appellate jurisdiction

final judgment rule

interlocutory appeal

appellate procedure

civil procedure

PRACTICE AREAS

Appellate procedure

Civil procedure

QUESTIONS PRESENTED

1. Whether the April 6, 2026 order was a final judgment appealable as of right.
2. Whether the order was an interlocutory order made immediately appealable by statute.
3. Whether the court of appeals had jurisdiction to continue the appeal.

HOLDINGS

1. The order was not a final judgment because it did not dispose of all pending claims and parties and did not clearly and unequivocally state that it finally disposed of all claims and parties.
2. The order was not immediately appealable because it did not fall within a statutory exception authorizing an interlocutory appeal.
3. The court of appeals lacked jurisdiction and dismissed the appeal for want of jurisdiction.

KEY QUOTATIONS

“A final judgment is one that (1) “actually disposes of every pending claim and party” or (2) “clearly and unequivocally states that it finally disposes of all claims and all parties.”” (at 1)

“Because the appealed-from order is neither a final judgment nor an appealable interlocutory order, we lack jurisdiction over it.” (at 2)

FACTUAL BACKGROUND

The trial court's April 6, 2026 order granted B&H Realty's Rule 91a motion to dismiss Canida's claims and awarded attorney's fees, but stated that the amount of fees had not yet been determined. B&H Construction, LLC's claims against Canida remained pending in the consolidated proceedings, and no severance order had been entered.

PROCEDURAL HISTORY

The County Court at Law No. 1 of Parker County entered an April 6, 2026 order dismissing Canida's claims against B&H Realty and awarding attorney's fees, but B&H Construction, LLC's claims against Canida remained pending and the amount of attorney's fees had not yet been determined. After notifying Canida of the jurisdictional defect and requesting a response, the court concluded that her response did not establish grounds for continuing the appeal and dismissed it.

DISPOSITION

dismissed

CASES CITED

- *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195, 205 (Tex. 2001)
- *Paschal v. Belden*, No. 02-25-00381-CV, 2025 WL 2736512, at *1 (Tex. App.—Fort Worth Sept. 25, 2025, no pet.)

OPINION

Amanda Canida v. B&H Realty, LLC

PER CURIAM.

In the Court of Appeals Second Appellate District of Texas at Fort Worth

No. 02-26-00315-CV _____

AMANDA CANIDA, Appellant V. B&H REALTY, LLC, Appellee On Appeal from County Court at Law No. 1 Parker County, Texas Trial Court No. CIV-25-0146 Before Sudderth, C.J.; Kerr and Walker, JJ. Memorandum Opinion by Justice Walker

MEMORANDUM OPINION

Appellant Amanda Canida, acting pro se, attempts to appeal from the trial court’s April 6, 2026 order granting Appellee B&H Realty, LLC’s motion to dismiss and awarding B&H Realty attorney’s fees pursuant to Texas Rule of Civil Procedure 91a. See Tex. R. Civ. P. 91a. While the order expressly disposes of Canida’s claims against B&H Realty, it does not dispose of B&H Construction, LLC’s claims against Canida.¹ The order also clearly states that the amount of attorney’s fees awarded has not yet been determined. We have jurisdiction to consider appeals only from final judgments and from certain interlocutory orders made immediately appealable by statute. See *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001); see also Tex. Civ. Prac. & Rem. Code § 51.014. A final judgment is one that (1) “actually disposes of every pending claim and party” or (2) “clearly and unequivocally states that it finally disposes of all claims and all parties.” *Lehmann*, 39 S.W.3d at 205. Unless one of the statutory exceptions listed under Section 51.014(a) applies, an order that does not dispose of all pending parties and claims remains interlocutory and unappealable until the trial court signs a final judgment. *Id.* 1 Canida portrayed her filing as a “Protective Notice of Appeal” and reasoned that it was filed “due to uncertainty regarding finality in the consolidated proceedings, including the continued pendency of Plaintiff B&H Construction, LLC’s claims and ongoing injunctive relief.” 2 We notified Canida of our concern that we do not have jurisdiction over her appeal because the trial court’s order does not appear to be a final judgment or an appealable interlocutory order. We cautioned her that unless she or another party filed with this court a response showing grounds for continuing the appeal, we could dismiss the appeal for want of jurisdiction. See Tex. R. App. P. 42.3(a), 44.3. We received a response from Canida, but it does not show grounds for continuing the appeal.² Because the appealed-from order is neither a final judgment nor an appealable interlocutory order, we lack jurisdiction over it. See *Paschal v. Belden*, No. 02-25-00381- CV, 2025 WL 2736512, at *1 (Tex. App.—Fort Worth Sept. 25, 2025, no pet.) (holding appealed-from order was not final when

claims remained pending in trial court and dismissing appeal for want of jurisdiction). Accordingly, we dismiss this appeal for want of jurisdiction. See Tex. R. App. P. 42.3(a), 43.2(f); Paschal, 2025 WL 2736512, at *1. /s/ Brian Walker Brian Walker Justice Delivered: June 4, 2026 2 Her response seemingly concedes that the trial court's April 6, 2026 order is not a final judgment, stating that "the lead consolidated proceeding remained pending, including B&H Construction, LLC's claims in Cause No. CIV-25-0146. No severance order was entered, and the April 6 order did not expressly state that it disposed of all claims and all parties in the consolidated matter." 3

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