

DISMISS and Opinion Filed August 18, 2021



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-21-00116-CV

**TADELE DAMETIE, Appellant
V.
CHARLOTTE-MARIE CALLINS, Appellee**

**On Appeal from the 44th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-20-09479**

MEMORANDUM OPINION

Before Chief Justice Burns, Justice Molberg, and Justice Smith
Opinion by Chief Justice Burns

We questioned our jurisdiction over this appeal because there did not appear to be a final judgment or other appealable interlocutory order. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001) (generally appellate courts have jurisdiction over final judgments or certain interlocutory orders permitted by statute); TEX. CIV. PRAC. & REM. CODE ANN. § 51.014(a) (listing appealable interlocutory orders). We instructed appellant to file a letter brief and cautioned her that failure to do so may result in dismissal of the appeal without further notice. As of today's date, appellant has not responded.

Appellee sued five defendants. By orders signed on September 29, 2020 and October 27, 2020, the trial court granted default judgment against four of the defendants, including appellant.¹ Appellee's claims against Santiago Real Estate Investors, however, remain pending in the trial court. Because claims remain pending in the underlying lawsuit, this Court lacks jurisdiction over this appeal. Accordingly, we dismiss the appeal. *See* TEX. R. APP. P. 42.3(a).

/Robert D. Burns, III/
ROBERT D. BURNS, III
CHIEF JUSTICE

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¹ In her notice of appeal, appellant states she is appealing from the trial court's January 26, 2021 order denying her motion to reinstate.



**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

TADELE DAMETIE, Appellant

No. 05-21-00116-CV V.

CHARLOTTE-MARIE CALLINS,
Appellee

On Appeal from the 44th Judicial
District Court, Dallas County, Texas
Trial Court Cause No. DC-20-09479.
Opinion delivered by Chief Justice
Burns. Justices Molberg and Smith
participating.

In accordance with this Court's opinion of this date, the appeal is
DISMISSED.

It is **ORDERED** that appellee CHARLOTTE-MARIE CALLINS recover her
costs of this appeal from appellant TADELE DAMETIE.

Judgment entered August 18, 2021