

Dismissed and Opinion filed January 17, 2002.



In The
Fourteenth Court of Appeals

NO. 14-01-01108-CV

LIZZIE LOVALL, Appellant

V.

JUDY YEN, Appellee

**On Appeal from the County Civil Court at Law No. 3
Harris County, Texas
Trial Court Cause No. 759,371**

MEMORANDUM OPINION

This is an attempted appeal from an interlocutory order on appellant's motion for continuance, signed October 24, 2001. Appellant filed a pro se notice of accelerated interlocutory appeal on November 12, 2001. In her notice of appeal, appellant asserts the trial court granted pre-trial temporary injunctive relief against her and in favor of appellee.

The order signed by the trial court states in full as follows:

On October 24, 2001 the Court considered the Motion for Continuance of LIZZIE LOVAL [*sic*], Defendant, and ORDER that the trial date be reschedule [*sic*] to 26th day of November, 2001 at 9:00 A.M..

IT IS ORDERED that:

1. The Defendant has agreed to pay Five Hundred Fifty and 00/100 Dollars only (\$550.00) into the Court Registry on or before November 1, 2001.
2. If Defendant fails to pay the Five Hundred Fifty and 00/100 Dollars (\$550.00) into the Court Registry on or before November 1, 2001, a Default Judgment on the Defendant will be granted by the Court.

Under Texas procedure, appeals are allowed only from final orders or judgments. *Jack B. Anglin Co. v. Tipps*, 842 S.W.2d 266, 272 (Tex. 1992); *North East Indep. Sch. Dist. v. Aldridge*, 400 S.W.2d 893, 895 (Tex. 1966). In the absence of a statute authorizing jurisdiction, appellate courts do not have jurisdiction to hear appeals from interlocutory orders. *Jani-King, Inc. v. Yates*, 965 S.W.2d 665, 666 (Tex. App.—Houston [14th Dist.] 1998, no pet.).

It appears from the notice of appeal that appellant asserts we have jurisdiction under section 51.014(a)(4) of the Texas Civil Practices and Remedies Code, which allows an appeal from an interlocutory order granting or refusing a temporary injunction. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 51.014(a)(4) (Vernon Supp. 2001). “The purpose of a temporary injunction is to preserve the status quo of the subject matter of a suit pending a final trial of the case on its merits.” *Camp v. Shannon*, 162 Tex. 515, 348 S.W.2d 517, 519 (Tex. 1961). The writ restrains the doing of certain acts during the pendency of the suit to which it is ancillary. *See Laredo Junior College Dist. v. Zaffirini*, 590 S.W.2d 535, 536 (Tex. Civ. App.—San Antonio 1979, writ ref’d n.r.e.). The mere fact that the defendant was directed to do a certain thing pending trial does not make the court’s order a temporary injunction. *McQuade v. E.D. Sys. Corp.*, 570 S.W.2d 33, 35 (Tex. Civ. App.—Dallas 1978, no writ); *see also Furr v. Furr*, 346 S.W.2d 491, 495 (Tex. Civ. App.—Fort Worth 1961, writ ref’d n.r.e.); *Alpha Petroleum Co. v. Dunn*, 60 S.W.2d 469, 471 (Tex. Civ. App.—Galveston 1933, writ dism’d) (orders to deposit money into the registry of the court cannot be

characterized as appealable temporary injunctions). Accordingly, we conclude that the October 24, 2001 order in this case does not meet the requirements for a temporary injunction. Therefore, we are without jurisdiction to consider an interlocutory appeal of that order.

On December 3, 2001, notification was transmitted to all parties of the Court's intent to dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a). Appellant filed no response.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Judgment rendered and Opinion filed January 17, 2002.

Panel consists of Chief Justice Brister, Justices Fowler and Seymore.

Do Not Publish — TEX. R. APP. P. 47.3(b).