

Dismissed and Opinion filed September 7, 2000.



In The

Fourteenth Court of Appeals

NO. 14-00-01002-CV

**CROSS MEDIA NETWORK, INC., SILVER COURSE CORPORATION, PINES
UNLIMITED CORPORATION, AND MURRAY MAX SHEPHERD, JR., Appellants**

V.

J. D. SANDEFER, III, AND STEPHEN F. SMITH, Appellees

**On Appeal from the 280th District Court
Harris County, Texas
Trial Court Cause No. 99-62736**

OPINION

This is an attempted appeal from an interlocutory order signed August 9, 2000. On August 16, 2000, appellees filed a motion to dismiss the appeal arguing this Court does not have jurisdiction.

The order entered by the trial court on August 9, 2000, granted appellees' request for a temporary restraining order. In their notice of appeal, appellants characterize the trial court's order August 9, 2000, order as a temporary restraining order *and* a temporary injunction.

Accordingly, their notice of appeal states the order is appealable pursuant to section 51.014(a) of the Texas Civil Practice and Remedies Code. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 51.014(a) (Vernon Supp. 2000). We disagree. A temporary restraining order is one entered as part of a motion for a temporary injunction, by which a party is restrained pending the hearing of the motion. *See Del Valle Indep. Sch. Dist. v. Lopez*, 845 S.W.2d 808, 809 (Tex. 1992) (citing *Brines v. McIlhaney*, 596 S.W.2d 519, 523 (Tex. 1980)). A temporary injunction is one which operates until dissolved by an interlocutory order or until the final hearing. *See id.* We have reviewed the trial court's order and find that it restrains appellants from acting pending the hearing of the request for a temporary injunction. Thus, it is a temporary restraining order. *See id.*

The trial court's order was interlocutory. Appellate courts have jurisdiction to consider immediate appeals of interlocutory orders only if a statute explicitly provides appellate jurisdiction. *See Stry v. DeBord*, 967 S.W.2d 352, 353 (Tex. 1998); *Jack B. Anglin Co., Inc. v. Tipps*, 842 S.W.2d 266, 272 (Tex. 1992). There is no statutory provision permitting an appeal from a temporary restraining order. *See Lesikar v. Rappeport*, 899 S.W.2d 654, 655 (Tex. 1995). When a party attempts to appeal a nonappealable order, the appellate courts have no jurisdiction except to dismiss the appeal. *See Lipshy Motorcars, Inc. v. Sovereign Assocs., Inc.*, 944 S.W.2d 68, 70 (Tex. App.—Dallas 1997, no writ); *Harper v. Welchem, Inc.*, 799 S.W.2d 492, 496 (Tex. App.—Houston [14th Dist.] 1990, no writ).

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Judgment rendered and Opinion filed on September 7, 2000.

Panel consists of Justices Yates, Wittig, and Frost.

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