

Dismissed and Opinion filed June 14, 2001.



In The

Fourteenth Court of Appeals

NO. 14-01-00362-CV

JAMES H. McCONNELL, Appellant

V.

JAMIE MARIE McCONNELL, Appellee

**On Appeal from the 311th District Court
Harris County, Texas
Trial Court Cause No. 97-22750**

OPINION

This is an appeal from an order of contempt signed March 12, 2001. The appeal was assigned to the First Court of Appeals; however, the Harris County District Clerk subsequently, and erroneously, assigned this cause to this court. By letter dated May 25, 2001, the Harris County District Clerk advised this court of its error. Because this cause was erroneously assigned to this court, we dismiss the appeal.

Another reason exists for dismissal of this appeal. Decisions in contempt proceedings are not appealable. *In re Gonzales*, 993 S.W.2d 147, 157 (Tex. App.—San Antonio 1999, orig. proceeding); *Metzger v. Sebek*, 892 S.W.2d 20, 54 (Tex. App.—Houston [1st Dist.] 1994, writ

denied). A habeas petition is the proper way to challenge a contempt order. *Gonzales*, 993 S.W.2d at 157.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Judgment rendered and Opinion filed June 14, 2001
Panel consists of Justices Yates, Fowler, and Wittig.
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