

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

Percival Dyer v. Farah Law Firm, Claudia Fernanda Juarez Gonzalez, Western Surety Company, Surety Bond, and Nancy Hamren

No. 01-25-00476-CV (Tex. App.—Houston [1st Dist.] May 28, 2026) (mem. op.) · No. 01-25-00476-CV · Decided May 28, 2026

SUMMARY

The Texas Court of Appeals for the First District dismissed Percival Dyer’s appeal for lack of jurisdiction. The court held that an order denying a motion for reconsideration is not independently appealable and noted that the notice of appeal was also untimely; all pending motions were dismissed as moot.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas
WRITING FOR THE COURT	Chief Justice Adams; Justice Guerra; Justice Guiney
JURISDICTION	Texas Court of Appeals for the First District
DECIDED	May 28, 2026
DOCKET	01-25-00476-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se appellant appealed the trial court's order denying her motion for reconsideration of a motion for reinstatement. The court of appeals dismissed the appeal for lack of jurisdiction.
STANDARD OF REVIEW	The court independently determined its appellate jurisdiction as a threshold matter.
PRECEDENTIAL VALUE	Memorandum opinion; precedential effect not established by the opinion text.
PARTIES	Percival Dyer v. Farah Law Firm, Claudia Fernanda Juarez Gonzalez, Western Surety Company, Surety Bond, Nancy Hamren

TOPICS

- appellate jurisdiction
- motion for reconsideration
- appellate procedure
- mootness
- civil procedure

PRACTICE AREAS

Appellate procedure

Civil procedure

QUESTIONS PRESENTED

1. Whether an order denying a motion for reconsideration is independently appealable.
2. Whether the court of appeals had jurisdiction over the appeal when the notice of appeal identified a nonappealable order.
3. Whether the appeal was timely even assuming the order denying reconsideration were appealable.

HOLDINGS

1. An order denying a motion for reconsideration is not independently appealable.
2. When an appeal is from an order over which the court has no jurisdiction, the appeal must be dismissed.
3. Even if the order denying reconsideration had been appealable, the notice of appeal was untimely because it was filed more than thirty days after the order was signed.

KEY QUOTATIONS

“An order denying a motion for reconsideration is not independently appealable.” (at 1)

“courts always have jurisdiction to determine their own jurisdiction.” (at 2)

“Accordingly, we dismiss the appeal for lack of jurisdiction.” (at 3)

FACTUAL BACKGROUND

The trial court dismissed appellant's case on August 27, 2024. After the trial court denied appellant's motion for reinstatement, appellant sought reconsideration, which the trial court denied on April 28, 2025. Appellant attempted to appeal only the order denying reconsideration.

PROCEDURAL HISTORY

The trial court dismissed appellant's case on August 27, 2024. Appellant filed a motion for reinstatement on December 26, 2024, which the trial court denied, and then filed a motion for reconsideration on February 18, 2025. The trial court denied reconsideration on April 28, 2025. Appellant filed her notice of appeal on June 24, 2025. After notifying appellant that the appeal appeared to be jurisdictionally defective and allowing fourteen days for a response, the court dismissed the appeal and dismissed all pending motions as moot.

DISPOSITION

dismissed

CASES CITED

- Joseph v. Altman Specialty Plants, LLC, No. 14-24-00532-CV, 2024 WL 4234272, at *1 (Tex. App.—Houston [14th Dist.] Sept. 19, 2024, no pet.) (mem. op.)
- Digges v. Knowledge Alliance, Inc., 176 S.W.3d 463, 464 (Tex. App.—Houston [1st Dist.] 2004, no pet.)
- Avni v. Harris County, No. 01-18-00998-CV, 2019 WL 3720625, at *1 (Tex. App.—Houston [1st Dist.] Aug. 8, 2019, no pet.) (mem. op.)
- Heckman v. Williamson County, 369 S.W.3d 137, 146 n.14 (Tex. 2012)
- Royal Independent School District v. Ragsdale, 273 S.W.3d 759, 763 (Tex. App.—Houston [14th Dist.] 2008, no pet.)
- V.I.P. Royal Palace, LLC v. Hobby Event Center LLC, No. 01-18-00621-CV, 2020 WL 3579563, at *2 (Tex. App.—Houston [1st Dist.] July 2, 2020, no pet.) (mem. op.)
- Santiago v. Bank of New York Mellon, No. 05-15-00342-CV, 2015 WL 2375400, at *1 (Tex. App.—Dallas May 18, 2015, no pet.) (mem. op.)

OPINION

Percival Dyer v. Claudia Fernanda Juarez Gonzalez; Nathan Innuria; George Farah; Farah Law Group, PLLC

PER CURIAM.

Opinion issued May 28, 2026 In The Court of Appeals For The First District of Texas

NO. 01-25-00476-CV

PERCIVAL DYER, Appellant V.

FARAH LAW FIRM, CLAUDIA FERNANDA JUAREZ GONZALEZ,

WESTERN SURETY COMPANY, SURETY BOND, AND NANCY

HAMREN, Appellees On Appeal from the 157th District Court Harris County, Texas Trial Court Case No. 2022-43320

MEMORANDUM OPINION

Appellant, Percival Dyer, proceeding pro se, has filed a notice of appeal from the trial court's April 28, 2025 order denying her motion for reconsideration. We dismiss for lack of jurisdiction. An order denying a motion for reconsideration is not independently appealable. See Joseph v. Altman Specialty Plants, LLC, No. 14-24-00532-CV, 2024 WL 4234272, at *1 (Tex. App.—Houston [14th Dist.] Sept. 19, 2024, no pet.) (mem. op.); Digges v. Knowledge Alliance, Inc., 176 S.W.3d 463, 464 (Tex. App.—Houston [1st Dist.] 2004, no pet.). In her notice of appeal, appellant specified that she sought to appeal the trial court's April 28, 2025 order, which denied appellant's motion for reconsideration of her previously filed motion for reinstatement.¹ This is not an appealable order.² See Avni v. Harris Cnty., No. 01-18-00998-CV, 2019 WL 3720625, at *1 (Tex. App.—Houston [1st Dist.] Aug. 8, 2019, no pet.) (mem. op.) (trial court's order denying appellant's motion to reconsider or set aside did not constitute appealable order). “[C]ourts always have jurisdiction to determine their own jurisdiction.” Heckman v. Williamson Cnty., 369 S.W.3d 137, 146 n.14 (Tex. 2012) (internal 1 The trial court dismissed appellant's case on August 27, 2024. Appellant filed a motion for reinstatement on December 26, 2024, which the trial court denied. On February 18,

2025, appellant filed a motion for reconsideration of her motion for reinstatement. It is the trial court's denial of that motion for reconsideration that appellant now seeks to appeal. 2 Even if the trial court's April 28, 2025 order denying appellant's motion for reconsideration was an appealable order, appellant's notice of appeal, filed on June 24, 2025, was not timely filed as to that order. See TEX. R. APP. P. 26.1 (generally requiring notice of appeal to be filed within thirty days after judgment is signed); *Santiago v. Bank of New York Mellon*, No. 05-15-00342-CV, 2015 WL 2375400, at

*1 (Tex. App.—Dallas May 18, 2015, no pet.) (mem. op.) (request for findings of fact and conclusions of law did not extent time to file notice of appeal where appellants made request following trial court's order on post-judgment motion). 2 quotations omitted); see also *Royal Indep. Sch. Dist. v. Ragsdale*, 273 S.W.3d 759, 763 (Tex. App.—Houston [14th Dist.] 2008, no pet.) (jurisdiction fundamental in nature and cannot be ignored). If this case is an appeal over which the Court has no jurisdiction, the appeal must be dismissed. *V.I.P. Royal Palace, LLC v. Hobby Event Ctr. LLC*, No. 01-18-00621-CV, 2020 WL 3579563, at *2 (Tex. App.—Houston [1st Dist.] July 2, 2020, no pet.) (mem. op.); *Ragsdale*, 273 S.W.3d at 763. On April 9, 2026, the Clerk of this Court notified appellant that the Court lacked jurisdiction over her appeal and directed appellant that, unless a response was provided within fourteen days, in writing, demonstrating that this Court had jurisdiction over the appeal, the appeal would be dismissed for lack of jurisdiction. See TEX. R. APP. P. 42.3(a), 43.2(f). Appellant did not adequately respond.³ Accordingly, we dismiss the appeal for lack of jurisdiction. See TEX. R. APP. P. 42.3(a), 43.2(f). All pending motions are dismissed as moot.

PER CURIAM

Panel consists of Chief Justice Adams and Justices Guerra and Guiney. 3 In response to the Clerk's notice, appellant filed a motion to abate and an amended motion to abate. Nothing in her motions indicates that this Court has jurisdiction over her appeal or that abatement of appellant's appeal would correct the jurisdictional issue. Appellant's motions are denied. 3