

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.)