

FOURTEENTH COURT OF APPEALS OF TEXAS

Petra Mueller v. Norbert Mueller

No. 14-18-00676-CV · No. No. 14-18-00676-CV · Decided March 10, 2020

SUMMARY

The Fourteenth Court of Appeals orders appellant Petra Mueller to file an amended notice of appeal correcting the trial court cause number. The order states that failure to comply by March 20, 2020, may result in dismissal for want of jurisdiction.

CASE DETAILS

COURT	Fourteenth Court of Appeals of Texas
WRITING FOR THE COURT	Chief Justice Frost; Justice Wise; Justice Hassan
JURISDICTION	Texas
DECIDED	March 10, 2020
DOCKET	No. 14-18-00676-CV
DISPOSITION	other
PROCEDURAL POSTURE	Appeal from a June 26, 2018 judgment in which the notice of appeal contained an incorrect trial-court cause number.
PRECEDENTIAL VALUE	Published
PARTIES	Petra Mueller v. Norbert Mueller

TOPICS

[appellate jurisdiction](#) [appellate procedure](#) [civil procedure](#)

PRACTICE AREAS

[Appellate procedure](#) [Civil procedure](#)

QUESTIONS PRESENTED

1. Whether an incorrect cause number in a notice of appeal defeats the appellate court's jurisdiction.
2. Whether an appellant must be given an opportunity to amend a defective notice of appeal before the appellate court dismisses the appeal.

HOLDINGS

1. An incorrect cause number in a notice of appeal does not defeat the court of appeals' jurisdiction when the notice is a bona fide attempt to invoke appellate jurisdiction.
2. An appellant should be given an opportunity to amend a defective notice of appeal before the court of appeals dismisses the appeal.

KEY QUOTATIONS

“An incorrect cause number on the notice of appeal does not defeat the jurisdiction of the court of appeals if the instrument is a “bona fide attempt” to invoke appellate court jurisdiction.”

“An appellant should be given an opportunity to amend a defective perfecting instrument before the court of appeals may dismiss an appeal.”

FACTUAL BACKGROUND

The appeal arose from a judgment signed by the 250th District Court of Travis County on June 26, 2018. Petra Mueller filed a notice of appeal on July 23, 2018, but the notice identified an incorrect trial-court cause number.

PROCEDURAL HISTORY

Appellant filed a notice of appeal on July 23, 2018, but the notice contained an incorrect cause number. The Fourteenth Court of Appeals determined that the notice was defective but ordered appellant to file an amended notice of appeal with the correct cause number by March 20, 2020, warning that noncompliance could result in dismissal for want of jurisdiction.

DISPOSITION

other

REMAND INSTRUCTIONS

Appellant must file an amended notice of appeal reflecting the correct trial-court cause number on or before March 20, 2020. If appellant does not comply, the court will consider dismissing the appeal for want of jurisdiction.

CASES CITED

- San Antonio v. Rodriguez, 828 S.W.2d 417, 418 (Tex. 1992)
- Grand Prairie I.S.D. v. Southern Parts Imports, Inc., 813 S.W.2d 499, 500 (Tex. 1991)

OPINION

PER CURIAM.

Order filed March 10, 2020 Formatted: Different first page header In The Fourteenth Court of Appeals _____ NO. 14-18-00676-CV _____ PETRA MUELLER, Appellant V. NORBERT MUELLER, Appellee On Appeal from the 250th District Court Travis County, Texas

Trial Court Cause No. D-1-GN-16-003688 ORDER This is an appeal from a judgment signed June 26, 2018.

Appellant filed a notice of appeal on July 23, 2018. The notice of appeal is defective. An incorrect cause number on the notice of appeal does not defeat the jurisdiction of the court of appeals if the instrument is a “bona fide attempt” to invoke appellate court jurisdiction. *San Antonio v. Rodriguez*, 828 S.W.2d 417, 418 (Tex. 1992). An appellant should be given an opportunity to amend a defective perfecting instrument before the court of appeals may dismiss an appeal.

Grand Prairie I.S.D. v. Southern Parts Imports, Inc., 813 S.W.2d 499, 500 (Tex. 1991). Appellant is ordered to file an amended notice of appeal reflecting the correct trial court cause number. The amended notice of appeal shall be filed on or before March 20, 2020. If appellant does not comply with this order, the court will consider dismissal of the appeal for want of jurisdiction.

See Tex. R. App. P. 42.3. PER CURIAM Panel consists of Chief Justice Frost and Justices Wise and Hassan. 2