

COURT OF APPEALS OF TEXAS, EIGHTH DISTRICT, EL PASO

Noel and Norma Castillo v. Maria Teresa Martinez

No. 08-25-00239-CV (Tex. App.—El Paso Mar. 12, 2026) · No. 08-25-00239-CV · Decided March 12, 2026

SUMMARY

The Eighth Court of Appeals of Texas dismissed Noel and Norma Castillo’s appeal for want of jurisdiction because their notice of appeal was filed after the applicable deadline. The court held that the April 25, 2025 Rule 91a dismissal order was final and that the later September 11, 2025 order denying reinstatement was not separately appealable.

CASE DETAILS

COURT	Court of Appeals of Texas, Eighth District, El Paso
WRITING FOR THE COURT	Gina M. Palafox; Soto, J.; Benavides, J. (Senior Judge), sitting by assignment
JURISDICTION	Court of Appeals of Texas, Eighth District, El Paso
DECIDED	March 12, 2026
DOCKET	08-25-00239-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellants sought review of a September 11, 2025 order denying their motion to vacate a Rule 91a dismissal and reinstate the case. The court of appeals dismissed the appeal for want of jurisdiction because the notice of appeal was filed after the applicable deadline measured from the April 25, 2025 final dismissal order.
STANDARD OF REVIEW	The court reviewed its appellate jurisdiction and the timeliness of the notice of appeal de novo.
PRECEDENTIAL VALUE	published
PARTIES	Noel Castillo, Norma Castillo v. Maria Teresa Martinez

TOPICS

- appellate jurisdiction
- appellate procedure
- final judgment rule
- civil procedure
- motion for new trial

PRACTICE AREAS

- civil procedure
- appellate procedure

QUESTIONS PRESENTED

1. Whether the April 25, 2025 Rule 91a dismissal order was a final, appealable order.
2. Whether Appellants' October 6, 2025 notice of appeal was timely after they filed a motion for new trial.
3. Whether the September 11, 2025 order denying the motion to vacate and reinstate was separately appealable.
4. Whether an alleged void judgment may be challenged through an untimely direct appeal.

HOLDINGS

1. The April 25, 2025 order dismissing all of Appellants' claims was a final order, and Appellants' timely motion for new trial extended the deadline for filing a notice of appeal to 90 days after that order was signed. Because the notice of appeal was filed on October 6, 2025, it was untimely and did not invoke the court's jurisdiction.
2. An order denying a post-judgment motion to vacate a final judgment and reinstate the case is generally not separately appealable from the underlying final judgment.
3. After the deadline for a direct appeal has expired, an alleged void judgment may be challenged only through a collateral attack, not through an untimely direct appeal.

KEY QUOTATIONS

“A collateral attack, however, “is accomplished through initiating a new case under a different cause number that challenges the effect of the original judgment.”” (3)

““Although the filing of a timely post-judgment motion may extend the deadline to file a notice of appeal, an order on a motion challenging a final judgment is generally not appealable separate from the underlying judgment.”” (4)

FACTUAL BACKGROUND

Appellants sued Maria Teresa Martinez in August 2024. The trial court signed an order dismissing all of their claims under Texas Rule of Civil Procedure 91a on April 25, 2025. Appellants timely filed a motion for new trial and a motion to vacate and reinstate, but did not file their notice of appeal until October 6, 2025, more than 90 days after the April dismissal order.

PROCEDURAL HISTORY

Appellants filed suit in August 2024. The trial court dismissed all claims under Texas Rule of Civil Procedure 91a on April 25, 2025, and later denied Appellants' motion for new trial and motion to vacate and reinstate. After the trial court entered a September 11, 2025 order denying a renewed hearing-related request, Appellants filed a notice of appeal on October 6, 2025. The court of appeals concluded that the April order was final, that the timely motion for new trial extended the appellate deadline to 90 days, and that the October notice was untimely.

DISPOSITION

dismissed

CASES CITED

- Kenseth v. Dallas County, 126 S.W.3d 584, 597 (Tex. App.—Dallas 2004, pet. denied)
- In re Estate of Courvier, No. 04-07-00469-CV, 2007 WL 2935809, at *1 (Tex. App.—San Antonio Oct. 10, 2007, no pet.) (mem. op.) (per curiam)
- In re Thompson, 569 S.W.3d 169, 172 (Tex. App.—Houston [1st Dist.] 2018, no pet.)
- JD Auto Corp. v. Bell, 697 S.W.3d 441, 449 (Tex. App.—El Paso 2024, no pet.)
- Salas v. State Farm Mut. Auto. Ins. Co., 226 S.W.3d 692, 695 (Tex. App.—El Paso 2007, no pet.)
- In re Benavides, 605 S.W.3d 234, 240 (Tex. App.—San Antonio 2020, pet. denied)

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