

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

Mark Anthony Trevino v. Candice Spivey Trevino

No. 01-25-00807-CV · No. 01-25-00807-CV · Decided March 19, 2026

SUMMARY

The Court of Appeals for the First District of Texas dismissed the appeal for lack of jurisdiction after the trial court granted a new trial. Because the original judgment was set aside and no final appealable judgment remained, the court also dismissed all pending motions as moot.

OPINION

PER CURIAM.

Opinion issued March 19, 2026 In The Court of Appeals For The First District of Texas NO. 01-25-00807-CV MARK ANTHONY TREVINO, Appellant V. CANDICE SPIVEY TREVINO, Appellee On Appeal from the County Court at Law No. 1 Galveston County, Texas Trial Court Case No. 23-FD-2368 MEMORANDUM OPINION The trial court granted a new trial after appellant filed this appeal.

See TEX. R. CIV. P. 329b(e). The parties jointly moved to abate this appeal pending the new trial. We told the parties that, because no final appealable judgment remained, we would instead dismiss for lack of jurisdiction. See *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001) (appellate courts generally only have jurisdiction over appeals of final judgments); see also *Markowitz v. Markowitz*, 118 S.W.3d 82, 88 (Tex.App.- Houston [14th Dist.]

2003, pet. denied) (“When a motion for new trial is granted, the original judgment is set aside and the parties may proceed without prejudice from previous proceedings.”). Neither party objected. Accordingly, we dismiss the appeal for lack of jurisdiction and dismiss all pending motions as moot. PER CURIAM Panel consists of Justices Gunn, Caughey, and Morgan.