

COURT OF APPEALS FOR THE EIGHTH DISTRICT OF TEXAS, EL PASO

Emilio EsteVan Lopez v. Equity Residential Management LLC, St.
John's West

No. 08-26-00172-CV · No. No. 08-26-00172-CV · Decided June 4, 2026

SUMMARY

The Eighth District Court of Appeals of Texas dismissed Lopez’s attempted appeal for want of jurisdiction after the underlying forcible-entry-and-detainer case was nonsuited and dismissed without prejudice. The court held that the nonsuit rendered the merits moot because no collateral matters remained. The court granted Equity Residential Management, LLC and St. John’s West’s motion to dismiss under Texas Rule of Appellate Procedure 42.3(a).

CASE DETAILS

COURT	Court of Appeals for the Eighth District of Texas, El Paso
WRITING FOR THE COURT	Gina M. Palafox; Salas Mendoza, C.J.; Gina M. Palafox, Justice; Soto, Justice
JURISDICTION	Court of Appeals for the Eighth District of Texas
DECIDED	June 4, 2026
DOCKET	No. 08-26-00172-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Lopez attempted to appeal a county court at law order granting nonsuit and dismissing a forcible entry and detainer case without prejudice. The appellee moved to dismiss the attempted appeal as moot for lack of an actual controversy.
STANDARD OF REVIEW	Subject-matter jurisdiction is reviewed as a jurisdictional question; a moot controversy requires dismissal for want of jurisdiction.
PRECEDENTIAL VALUE	Published memorandum opinion
PARTIES	Emilio EsteVan Lopez v. Equity Residential Management LLC, St. John's West

TOPICS

mootness

subject matter jurisdiction

appellate procedure

eviction

landlord tenant

PRACTICE AREAS

appellate procedure

civil procedure

landlord-tenant

QUESTIONS PRESENTED

1. Whether the county court at law's nonsuit and dismissal rendered the attempted appeal moot.
2. Whether the court of appeals had subject-matter jurisdiction over the attempted appeal after the nonsuit and dismissal.

HOLDINGS

1. When a plaintiff nonsuits a case and no collateral matters remain, the nonsuit renders the merits of the case moot.
2. When a controversy becomes moot, the court of appeals lacks subject-matter jurisdiction and must dismiss the appeal for want of jurisdiction.

KEY QUOTATIONS

“A plaintiff’s right to a nonsuit is absolute, and when no collateral matters remain, the nonsuit renders the merits of a case moot.” (2)

“When a controversy becomes moot, the court of appeals lacks subject-matter jurisdiction and must dismiss the appeal for want of jurisdiction.” (2)

FACTUAL BACKGROUND

Equity filed a forcible entry and detainer action alleging that Lopez defaulted on a residential lease. The justice court awarded Equity possession, back rent, attorney's fees, and costs, but Lopez's appeal to the county court at law vacated and annulled that judgment for purposes of a trial de novo. Equity thereafter nonsuited the county court case, and Lopez attempted to appeal and reopen the matter while seeking return of his security deposit.

PROCEDURAL HISTORY

Equity obtained a justice court eviction judgment against Lopez, who appealed to the county court at law for a trial de novo. Equity then filed a notice of nonsuit and motion to dismiss, and the county court signed an order of nonsuit and dismissal without prejudice on October 20, 2025. Lopez later filed a document seeking to reopen the case and obtain his security deposit; the attempted appeal was transferred from the Third Court of Appeals to the Eighth District, which granted Equity's motion and dismissed for want of jurisdiction.

DISPOSITION

dismissed

CASES CITED

- Villalon v. Bank One, 176 S.W.3d 66, 69-70 (Tex. App.—Houston [1st Dist.] 2004, pet. denied)

- Travelers Ins. Co. v. Joachim, 315 S.W.3d 860, 862 (Tex. 2010)
- Tex. Dept. of Family and Protective Services v. N.J., 644 S.W.3d 189, 192 (Tex. 2022)

OPINION

Emilio EsteVan Lopez v. Equity Residential Management LLC, St. John's West

PER CURIAM.

COURT OF APPEALS

EIGHTH DISTRICT OF TEXAS

EL PASO, TEXAS

No. 08-26-00172-CV Emilio EsteVan Lopez, Appellant v. Equity Residential Management LLC, St. John's West, Appellee On Appeal from the County Court at Law No 1 Travis County, Texas Trial Court No. C-1-CV-25-004673

MEMORANDUM OPINION

Equity Residential Management, LLC, St. John's West (Equity), moves to dismiss this attempted appeal as moot, asserting there is no actual controversy between the parties. We grant the motion and dismiss the appeal for want of jurisdiction. Equity filed a forcible entry and detainer action in the Justice of the Peace Court of Travis County, Precinct No. One, alleging Emilio EsteVan Lopez had defaulted on a residential lease agreement. The justice court issued a judgment of eviction in favor of Equity, awarding it possession of the property along with back rent, attorney's fees, and court costs. Lopez appealed the justice court's judgment to a county court at law for a trial de novo. The perfection of the appeal vacated and annulled the justice court's judgment. See Villalon v. Bank One, 176 S.W.3d 66, 69– 70 (Tex. App.—Houston [1st Dist. 2004, pet. denied) (“[I]t is well-settled that perfection of an appeal to county court from a justice court for trial de novo vacates and annuls the judgment of the justice court.”). On October 14, 2025, Equity filed a notice of nonsuit and motion to dismiss. The county court at law signed an order of nonsuit and dismissal of the case without prejudice on October 20, 2025. On its face, the order expressly stated: “[t]his is a final order disposing of all issues and parties and is appealable.” On March 16, 2026, Lopez filed a document asserting a “formal appeal,” wherein he demanded that the case be reopened and asked for an immediate return of his security deposit. The Travis County Clerk forwarded Lopez's attempted appeal to the Third Court of Appeals in Austin, and the case was thereafter transferred to this Court. 1 Equity moves to dismiss this attempted appeal as moot and asserts there is no longer an actual controversy between the parties. We agree and conclude that the underlying case became moot following the order of nonsuit. See Travelers Ins. Co. v. Joachim, 315 S.W.3d 860, 862 (Tex. 2010). A plaintiff may take a non-suit at any time before it has introduced all of its evidence. Tex. R. Civ. P. 162. A plaintiff's right to a nonsuit is absolute, and when no collateral matters 1 This case was transferred pursuant to the Texas Supreme Court's docket equalization efforts. Tex. Gov't Code Ann. § 73.001. We follow the precedent of the Third Court of Appeals to the extent it might conflict with our own. See Tex. R. App. P. 41.3. 2 remain, the nonsuit renders the merits of a case

moot. Travelers Ins. Co., 315 S.W.3d at 862. When a controversy becomes moot, the court of appeals lacks subject-matter jurisdiction and must dismiss the appeal for want of jurisdiction. Tex. Dept. of Family and Protective Services v. N.J., 644 S.W.3d 189, 192 (Tex. 2022). Because we have no jurisdiction over moot controversies, we GRANT Equity's motion to dismiss. We dismiss this attempted appeal for want of jurisdiction. Tex. R. App. P. 42.3(a). GINA M. PALAFOX, Justice June 4, 2026 Before Salas Mendoza, C.J., Palafox and Soto, JJ. 3

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