

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)

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