

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

Rosalba Escoto-Leon v. Jose Ortiz

No. 01-26-00364-CV · No. 01-26-00364-CV · Decided June 11, 2026

SUMMARY

The Texas Court of Appeals for the First District granted Rosalba Escoto-Leon's motion to dismiss the appeal after the trial court granted a new trial and vacated the divorce decree under review. The court dismissed the appeal, dismissed other pending motions as moot, and directed the clerk to issue the mandate immediately.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas
WRITING FOR THE COURT	Justice Caughey; Justice Johnson; Justice Dokupil
JURISDICTION	Court of Appeals for the First District of Texas
DECIDED	June 11, 2026
DOCKET	01-26-00364-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from a divorce decree; the appellant moved to dismiss after the trial court granted a new trial and vacated the decree under review, and also requested immediate issuance of the mandate.
PRECEDENTIAL VALUE	Published
PARTIES	Rosalba Escoto-Leon v. Jose Ortiz

TOPICS

- appellate procedure
- family law procedure
- dissolution of marriage
- mootness
- civil procedure

PRACTICE AREAS

- family law
- appellate procedure
- civil procedure

QUESTIONS PRESENTED

- Whether the appeal should be dismissed after the trial court granted a new trial and vacated the divorce decree under review.
- Whether the mandate should issue immediately.

3. Whether other pending motions should be dismissed as moot.

HOLDINGS

1. The appeal was dismissed because the trial court had granted a new trial and vacated the divorce decree being appealed.
2. The court directed the clerk to issue the mandate immediately.
3. Any other pending motions were dismissed as moot.

FACTUAL BACKGROUND

The appeal concerned a divorce decree signed by the trial court on January 15, 2026. During the appeal, the trial court granted a motion for new trial and vacated the decree that appellant was challenging.

PROCEDURAL HISTORY

Rosalba Escoto-Leon appealed a divorce decree signed January 15, 2026, in the 311th District Court of Harris County. While the appeal was pending, the trial court allegedly granted a motion for new trial and vacated the decree. The Court of Appeals held the motion to dismiss for a response, received no response, granted the motion, dismissed the appeal, dismissed other pending motions as moot, and directed immediate issuance of the mandate.

DISPOSITION

dismissed

OPINION

PER CURIAM.

Opinion issued June 11, 2026 In The Court of Appeals For The First District of Texas NO. 01-26-00364-CV ROSALBA ESCOTO-LEON, Appellant V. JOSE ORTIZ, Appellee On Appeal from the 311th District Court Harris County, Texas Trial Court Case No. 2024-76941 MEMORANDUM OPINION Appellant Rosalba Escoto-Leon has filed a motion to dismiss the appeal because he claims the trial court granted a motion for new trial and vacated the divorce decree signed on January 15, 2026, which appellant was appealing.

Appellant also asks that we issue the mandate immediately. See TEX. R. APP. P. 18.1(c). Appellant's motion contains no certificate of conference. We held the motion for a response and none was filed. See TEX. R. APP. P. 10.3(a).

Accordingly, we grant the motion. The appeal is dismissed. See TEX. R. APP. P. 42.1(a). Any other pending motions are dismissed as moot. We direct the Clerk of this Court to issue the mandate immediately. PER CURIAM Panel consists of Justices Caughey, Johnson, and Dokupil. 2

