

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

Ismael Rico, Maria Rico, Jorge Duenas, and Isabel Contreras a/k/a Isabel Duenas v. Harris County Municipal Utility District No. 540

No. 01-20-00804-CV · No. No. 01-20-00804-CV · Decided January 28, 2021

SUMMARY

The First Court of Appeals of Texas construed the appellants' letter as a motion to dismiss their appeal. Because no other party had appealed, no opinion had issued, and no opposition was filed, the court granted the motion, dismissed the appeal, and dismissed all pending motions as moot.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas
WRITING FOR THE COURT	Chief Justice Radack; Justice Kelly; Justice Rivas-Molloy
JURISDICTION	Texas
DECIDED	January 28, 2021
DOCKET	No. 01-20-00804-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellants moved to dismiss their appeal after explaining that the appeal should have been filed in the Harris County Court at Law No. 2.
PRECEDENTIAL VALUE	published
PARTIES	Ismael Rico, Maria Rico, Jorge Duenas, Isabel Contreras a/k/a Isabel Duenas v. Harris County Municipal Utility District No. 540

TOPICS

[appellate procedure](#)[mootness](#)[civil procedure](#)[municipal law](#)

PRACTICE AREAS

[Appellate procedure](#)[Civil procedure](#)[Municipal law](#)

QUESTIONS PRESENTED

1. Whether the appellants' letter should be construed as a motion to dismiss the appeal.

2. Whether the court should dismiss the appeal when the appellants sought dismissal, no other party had filed a notice of appeal, and no opinion had issued.
3. Whether pending motions should be dismissed as moot following dismissal of the appeal.

HOLDINGS

1. The court construed the appellants' letter explaining the filing error as a motion to dismiss the appeal.
2. The court granted the motion and dismissed the appeal.
3. All pending motions were dismissed as moot.

FACTUAL BACKGROUND

The appellants filed an appeal pursuant to section 21.018 of the Texas Property Code. They subsequently explained that the appeal should have been filed in Harris County Court at Law No. 2 and sought dismissal. No other party filed a notice of appeal, and the appellate court had not issued an opinion.

PROCEDURAL HISTORY

Appellants filed an appeal under section 21.018 of the Texas Property Code. They later filed a letter construed by the court as a motion to dismiss, stating that the appeal should have been filed in the trial court identified in the record. No other party filed a notice of appeal, no opinion had issued, and no party opposed the motion. The court granted the motion, dismissed the appeal, and dismissed all pending motions as moot.

DISPOSITION

dismissed

OPINION

PER CURIAM.

Opinion issued January 28, 2021 In The Court of Appeals For The First District of Texas NO. 01-20-00804-CV ISMAEL RICO, MARIA RICO, JORGE DUENAS, AND ISABEL CONTRERAS A/K/A ISABEL DUENAS, Appellants V. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 540, Appellee On Appeal from the County Civil Court at Law No. 2 Harris County, Texas Trial Court Case No. 1158646 MEMORANDUM OPINION Appellants Ismael Rico, Maria Rico, Jorge Duenas, and Isabel Contreras a/k/a Isabel Duenas filed a letter explaining that their appeal, which they filed pursuant to section 21.018 of the Texas Property Code, should have been filed in Harris County Court at Law No. 2.

We construe the letter as a motion to dismiss this appeal. No other party has filed a notice of appeal, and no opinion has issued. See TEX. R. APP. P. 42.1(a)(1), (c). Although the motion does not include a certificate of conference, more than ten days have passed since its filing, and no party filed an opposition. See TEX. R. APP. P. 10.1(a)(5), 10.3(a).

Accordingly, we grant the motion and dismiss the appeal. TEX. R. APP. P. 42.1(a)(1), 43.2(f). We dismiss all pending motions as moot. PER CURIAM Panel consists of Chief Justice Radack and Justices Kelly and Rivas-Molloy. 2

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