

COURT OF APPEALS FOR THE SECOND DISTRICT OF TEXAS AT FORT WORTH

Brenda K. Stoker v. Korattymuthy, LLC and Sijo Jose

No. 02-25-00577-CV (Tex. App.—Fort Worth May 21, 2026) · No. No. 02-25-00577-CV · Decided May 21, 2026

SUMMARY

The Texas Court of Appeals for the Second District dismissed Brenda K. Stoker’s appeal from a forcible detainer judgment as moot because the writ of possession had been executed and she was no longer in possession of the property. The court vacated the trial court’s judgment and denied the appellees’ motion for an extension of time to file their brief.

CASE DETAILS

COURT	Court of Appeals for the Second District of Texas at Fort Worth
WRITING FOR THE COURT	Per Curiam; Birdwell, J.; Bassel, J.; Womack, J.
JURISDICTION	Court of Appeals for the Second District of Texas at Fort Worth
DECIDED	May 21, 2026
DOCKET	No. 02-25-00577-CV
DISPOSITION	vacated
PROCEDURAL POSTURE	Appellant, proceeding pro se, appealed a county court judgment in a forcible detainer action awarding appellees possession of real property. During the appeal, the writ of possession was executed and appellant lost actual possession of the property.
STANDARD OF REVIEW	The court applied the jurisdictional mootness standard applicable to forcible detainer appeals.
PRECEDENTIAL VALUE	published
PARTIES	Brenda K. Stoker v. Korattymuthy, LLC, Sijo Jose

TOPICS

- mootness
- appellate jurisdiction
- writ of certiorari
- eviction
- civil procedure

PRACTICE AREAS

- appellate procedure
- civil procedure
- real estate
- eviction
- remedies

QUESTIONS PRESENTED

1. Whether the appeal became moot after the writ of possession was executed and appellant no longer remained in actual possession of the property.
2. Whether appellant demonstrated a meritorious claim of right to current, actual possession sufficient to preserve the forcible detainer appeal.
3. Whether the trial court's judgment should be vacated and the appeal dismissed as moot.

HOLDINGS

1. An appeal in a forcible detainer case becomes moot when the appellant vacates or is dispossessed from the property unless the appellant holds and asserts a meritorious claim of right to current, actual possession. Because Stoker was no longer in possession and did not establish such a claim, the appeal was moot.
2. When an appeal becomes moot, the court must dismiss the appeal.

KEY QUOTATIONS

“An appeal in a forcible detainer case becomes moot when the appellant vacates the property unless the appellant holds and asserts a meritorious claim of right to current, actual possession of the property.” (at 2)

“When a case becomes moot on appeal, we must dismiss the case.” (at 2)

FACTUAL BACKGROUND

The trial court ordered that Korattymuthy, LLC and Sijo Jose were entitled to possession of certain real property in Tarrant County. After appellant filed her notice of appeal, the writ of possession was executed on November 19, 2025, and appellant was no longer in actual possession. Appellant did not demonstrate a meritorious claim of right to current, actual possession.

PROCEDURAL HISTORY

The County Court at Law No. 1 of Tarrant County entered judgment awarding Korattymuthy, LLC and Sijo Jose possession of the property. After appellant filed her notice of appeal, the trial court's writ of possession was executed on November 19, 2025. The court of appeals notified appellant that the appeal appeared moot and allowed her to show grounds for continuing it; her response did not establish a continuing right to appeal.

DISPOSITION

vacated

CASES CITED

- Marshall v. Hous. Auth. of City of San Antonio, 198 S.W.3d 782, 785, 787, 790 (Tex. 2006)
- Williams v. Lara, 52 S.W.3d 171, 184 (Tex. 2001)

- Johnson v. Seattle Bank, No. 02-25-00278-CV, 2025 WL 2989768, at *1 (Tex. App.—Fort Worth Oct. 23, 2025, no pet.)

OPINION

Brenda K. Stoker v. Korattymuthy, LLC and Sijo Jose

PER CURIAM.

In the Court of Appeals Second Appellate District of Texas at Fort Worth
No. 02-25-00577-CV

BRENDA K. STOKER, Appellant V. KORATTYMUTHY, LLC AND SIJO JOSE, Appellees On
Appeal from County Court at Law No. 1 Tarrant County, Texas Trial Court No. 2025-007649-1
Before Birdwell, Bassel, and Womack, JJ. Per Curiam Memorandum Opinion

MEMORANDUM OPINION

Appellant Brenda K. Stoker,¹ proceeding pro se, attempts to appeal the trial court’s judgment in a forcible detainer suit in which the trial court ordered that Appellees Korattymuthy, LLC and Sijo Jose were entitled to possession of certain real property in Tarrant County. However, the trial court clerk has informed this court that the writ of possession issued in this case was executed on November 19, 2025— after Appellant filed her notice of appeal—and that Appellant is therefore no longer in actual possession of the property at issue in this appeal. A case becomes moot if, at any stage of the proceedings, a controversy ceases to exist between the parties. See *Marshall v. Hous. Auth. of City of San Antonio*, 198 S.W.3d 782, 787 (Tex. 2006); *Williams v. Lara*, 52 S.W.3d 171, 184 (Tex. 2001). An appeal in a forcible detainer case becomes moot when the appellant vacates the property unless the appellant holds and asserts a meritorious claim of right to current, actual possession of the property. See *Marshall*, 198 S.W.3d at 787. When a case becomes moot on appeal, we must dismiss the case. See *id.* at 790. We notified Appellant that we were concerned that this appeal should be dismissed because it appears to be moot. We warned her that this appeal could be dismissed for want of jurisdiction unless she filed a response showing grounds for 1 Some of the pleadings and filings in the trial court, including the judgment, identify Appellant as “Brenda K Stoker.” However, in her original answer—and on appeal—Appellant identifies herself as “Brenda K. Stoker” and asserts that she was “incorrectly named as Brenda K. Stoker . . . in plaintiffs['] filings.” 2 continuing the appeal. See Tex. R. App. P. 42.3(a), 44.3. Appellant filed a response, but it does not show grounds for continuing the appeal.² Because Appellant is no longer in possession of the property and because she has not demonstrated that she holds a meritorious claim of right to current, actual possession of the property, we vacate the trial court’s judgment and dismiss this appeal as moot. See Tex. R. App. P. 43.2(e); *Marshall*, 198 S.W.3d at 785, 790; *Johnson v. Seattle Bank*, No. 02-25-00278-CV, 2025 WL 2989768, at *1 (Tex. App.—Fort Worth Oct. 23, 2025, no pet.) (vacating judgment and dismissing appeal as moot because appellant was no longer in possession of property and had not presented any other basis for claiming right to current, actual possession).³ Per Curiam Delivered: May 21, 2026 In her

response, Appellant asserts that “the legality of the dispossession 2 remains directly in dispute.” But a “[j]udgment of possession in a forcible detainer action is not intended to be a final determination of whether the eviction [wa]s wrongful.” Marshall, 198 S.W.3d at 787. Appellant has not shown why this principle does not apply, and she has not presented any other basis for claiming a right to current, actual possession of the property. Appellees have filed a motion for extension of time to file their brief. Given 3 our disposition of this appeal, that motion is denied. 3