

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

Mark Smith v. James T. Sierra, Joy Weber, Kimberly Reedy, Sierra
Cosmetic and Family Denistry, P.C. D/B/A Friendswood Dental
Group, and Michael O'Donnell

No. 01-25-00737-CV (Tex. App.—Houston [1st Dist.] May 28, 2026) · No. 01-25-00737-CV · Decided May 28,
2026

SUMMARY

The First District Court of Appeals of Texas dismissed Mark Smith’s interlocutory appeal from the denial of a temporary injunction as moot. The trial court had entered a final judgment in the underlying case while the appeal was pending, so the appellate court vacated the temporary-injunction order and dismissed the appeal for lack of jurisdiction.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas
WRITING FOR THE COURT	Veronica Rivas-Molloy; Guiney; Morgan
JURISDICTION	Court of Appeals for the First District of Texas
DECIDED	May 28, 2026
DOCKET	01-25-00737-CV
DISPOSITION	vacated
PROCEDURAL POSTURE	Interlocutory appeal from the denial of an application for a temporary injunction.
STANDARD OF REVIEW	The court reviewed its own appellate jurisdiction and mootness de novo as jurisdictional issues.
PRECEDENTIAL VALUE	Published
PARTIES	Mark Smith v. James T. Sierra, Joy Weber, Kimberly Reedy, Sierra Cosmetic and Family Denistry, P.C. d/b/a Friendswood Dental Group, Michael O'Donnell

TOPICS

- mootness interlocutory appeal appellate jurisdiction injunctions appellate procedure

PRACTICE AREAS

civil procedure

appellate procedure

injunctive relief

QUESTIONS PRESENTED

1. Whether a final judgment in the underlying case rendered moot the pending interlocutory appeal from the denial of a temporary injunction.
2. Whether the court of appeals should vacate the trial court's temporary-injunction order and dismiss the appeal for lack of jurisdiction.

HOLDINGS

1. When a trial court renders and signs a final judgment while an appeal from an interlocutory temporary-injunction order is pending, the final judgment moots the interlocutory appeal.
2. When the temporary-injunction appeal becomes moot because of a final judgment, the appellate court must set aside or vacate the prior temporary-injunction order and dismiss the appeal.

KEY QUOTATIONS

"If the trial court renders and signs a final judgment in the case while an appeal of its temporary injunction order is pending, the case on appeal becomes moot." (2)

"When a case becomes moot on appeal, all previous orders pertaining to the temporary injunction are set aside by the appellate court and the case is dismissed." (2)

FACTUAL BACKGROUND

Smith sought a temporary injunction in the underlying case against the appellees. The trial court denied that application in an order dated September 11, 2025. During the pending interlocutory appeal, the trial court rendered and signed a final judgment in the underlying case on December 22, 2025.

PROCEDURAL HISTORY

The 212th District Court of Galveston County denied Smith's application for a temporary injunction on September 11, 2025. While the interlocutory appeal was pending, the trial court rendered and signed a final judgment in the underlying case on December 22, 2025. The court of appeals held that the final judgment mooted the temporary-injunction appeal, vacated the denial order, and dismissed the appeal.

DISPOSITION

vacated

CASES CITED

- Heckman v. Williamson Cty., 369 S.W.3d 137, 162 (Tex. 2012)
- Bienati v. Cloister Holdings, LLC, 691 S.W.3d 493, 497 (Tex. 2024)

- *Isuani v. Manske–Sheffield Radiology Grp., P.A.*, 802 S.W.2d 235, 236 (Tex. 1991)
- *Taj v. Highlander Cmty. Servs. & Inv., LLC*, No. 05-19-00369-CV, 2019 WL 4033946, at *1 (Tex. App.—Dallas Aug. 27, 2019, no pet.) (mem. op.)

OPINION

Mark Smith v. James T. Sierra, Joy Weber, Kimberly Reedy, Sierra Cosmetic and Family Denistry, P.C. D/B/A Friendswood Dental Group

PER CURIAM.

Opinion issued May 28, 2026 In The Court of Appeals For The First District of Texas

NO. 01-25-00737-CV

MARK SMITH, Appellant V.

JAMES T. SIERRA, JOY WEBER, KIMBERLY REEDY, SIERRA

COSMETIC AND FAMILY DENISTRY, P.C. D/B/A FRIENDSWOOD

DENTAL GROUP, AND MICHAEL O'DONNELL, Appellees On Appeal from the 212th District Court Galveston County, Texas Trial Court Case No. 25-CV-1332

MEMORANDUM OPINION

Appellant Mark Smith, pro se, appeals from the trial court's denial of his application for temporary injunction. Because the trial court rendered a final judgment in the underlying case on December 22, 2025, we dismiss the appeal for lack of jurisdiction.

DISCUSSION

Pursuant to Texas Rule of Appellate Procedure 42.3(a), on any party's motion or on its own initiative, this Court may dismiss an appeal for lack of jurisdiction. See TEX. R. APP. P. 42.3(a). If a case becomes moot, the court must dismiss the case for want of jurisdiction. See *Heckman v. Williamson Cty.*, 369 S.W.3d 137, 162 (Tex. 2012). An appellate court retains jurisdiction over the appeal of an interlocutory order granting or refusing a temporary injunction until a final judgment moots consideration of the appeal. See *Bienati v. Cloister Holdings, LLC*, 691 S.W.3d 493, 497 (Tex. 2024); see also *Isuani v. Manske–Sheffield Radiology Grp., P.A.*, 802 S.W.2d 235, 236 (Tex. 1991). If the trial court renders and signs a final judgment in the case while an appeal of its temporary injunction order is pending, the case on appeal becomes moot. *Isuani*, 802 S.W.3d at 236. “When a case becomes moot on appeal, all previous orders pertaining to the temporary injunction are set aside by the appellate court and the case is dismissed.” *Id.* The trial court entered final judgment in the underlying case on December 22, 2025. The trial court's final judgment renders this interlocutory appeal from its September 11, 2025 order denying Appellant's temporary injunction moot. See *id.* 2 We thus vacate the trial court's order denying the temporary injunction and dismiss this appeal as moot. See TEX. R. APP. P. 43.2(e); *Isuani*, 802 S.W.2d at 236; *Taj v. Highlander Cmty. Servs. & Inv., LLC*, No. 05-19-00369-CV, 2019 WL 4033946, at

*1 (Tex. App.—Dallas Aug. 27, 2019, no pet.) (mem. op.) (setting aside trial

court's order denying request for temporary injunction and dismissing appeal because trial court

had signed final judgment and nothing indicated appeal was not moot). We dismiss any other pending motions as moot. Conclusion We vacate the trial court's order denying the temporary injunction and dismiss this appeal as moot. Veronica Rivas-Molloy Justice Panel consists of Justices Rivas-Molloy, Guiney, and Morgan. 3

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