

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

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