

COURT OF APPEALS OF TEXAS, EIGHTH DISTRICT, EL PASO

Cesar F. Villa v. Maria Teresa Renteria

Villa v. Renteria, No. 08-25-00077-CV (Tex. App.—El Paso June 22, 2026) · No. 08-25-00077-CV · Decided June 22, 2026

SUMMARY

The Eighth District Court of Appeals of Texas dismissed Cesar F. Villa’s appeal from a divorce judgment for want of jurisdiction. The trial court granted a partial new trial within its plenary power, vacating the final judgment and leaving no final appealable order.

CASE DETAILS

|                       |                                                                                                                                                                 |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Court of Appeals of Texas, Eighth District, El Paso                                                                                                             |
| WRITING FOR THE COURT | Maria Salas Mendoza, Chief Justice; Palafox, Justice; Soto, Justice                                                                                             |
| JURISDICTION          | Court of Appeals of Texas, Eighth District, El Paso                                                                                                             |
| DECIDED               | June 22, 2026                                                                                                                                                   |
| DOCKET                | 08-25-00077-CV                                                                                                                                                  |
| DISPOSITION           | dismissed                                                                                                                                                       |
| PROCEDURAL POSTURE    | Appeal from a divorce judgment dismissed for want of appellate jurisdiction after the trial court granted a partial new trial before the appeal was considered. |
| STANDARD OF REVIEW    | De novo review of appellate jurisdiction; appellate courts independently determine whether jurisdiction exists.                                                 |
| PRECEDENTIAL VALUE    | Published memorandum opinion; precedential status stated in the provided metadata as published.                                                                 |
| PARTIES               | Cesar F. Villa v. Maria Teresa Renteria                                                                                                                         |

TOPICS

- family law procedure
- divorce
- appellate jurisdiction
- final judgment rule
- appellate procedure

PRACTICE AREAS

- family law
- appellate procedure
- civil procedure

QUESTIONS PRESENTED

1. Whether the court of appeals had jurisdiction over an appeal from a divorce judgment after the trial court granted a partial new trial within its plenary power.
2. Whether the appeal should be dismissed for want of jurisdiction because the new-trial order vacated the final judgment and no final appealable order remained.

## HOLDINGS

1. A timely order granting a new trial vacates the underlying judgment, leaving no final appealable order.
2. The court of appeals lacked jurisdiction because there was no final appealable order and no applicable basis for interlocutory appellate jurisdiction.

## KEY QUOTATIONS

“ “[W]hen the trial court grants a motion for new trial, the court essentially wipes the slate clean and starts over.” ” (at 1)

## FACTUAL BACKGROUND

The trial court announced its ruling in a divorce case, and Villa filed a petition to reconsider and clarify before entry of the final order. The trial court then signed a final decree of divorce on March 6, 2025. After Villa filed his notice of appeal, the trial court granted a partial new trial on March 26, 2025, within its plenary power.

## PROCEDURAL HISTORY

The 388th District Court of El Paso County signed a final decree of divorce on March 6, 2025. Villa filed a notice of appeal on March 7, 2025, but on March 26, 2025, while the trial court retained plenary power, the trial court granted a partial new trial. The court of appeals requested that Villa establish a basis for appellate jurisdiction, but he did not respond. The court dismissed the appeal because the new-trial order vacated the final judgment and left no final appealable order.

## DISPOSITION

dismissed

## CASES CITED

- Wilkins v. Methodist Health Care Sys., 160 S.W.3d 559, 563 (Tex. 2005)
- Sabre Travel Int’l, Ltd. v. Deutsche Lufthansa AG, 567 S.W.3d 725, 730 (Tex. 2019)