

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

Evelyn Johnson v. Medical Center Apartments

No. 01-26-00259-CV · No. No. 01-26-00259-CV · Decided June 9, 2026

SUMMARY

The Texas First Court of Appeals dismissed an appeal from a forcible detainer judgment as moot. The court concluded that the appellant was no longer in possession of the property and had not asserted a potentially meritorious claim to current, actual possession. The court vacated the trial court’s judgment, dismissed the case, and dismissed pending motions as moot.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas
WRITING FOR THE COURT	Per Curiam; Justice Gunn; Justice Caughey; Justice Morgan
JURISDICTION	Court of Appeals for the First District of Texas
DECIDED	June 9, 2026
DOCKET	No. 01-26-00259-CV
DISPOSITION	vacated
PROCEDURAL POSTURE	Appeal from a judgment of possession in a forcible detainer action; the appellee moved to dismiss the appeal as moot because the appellant no longer possessed the property.
STANDARD OF REVIEW	The appellate court determines its subject-matter jurisdiction de novo; an appeal that becomes moot must be dismissed for lack of jurisdiction.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Evelyn Johnson v. Medical Center Apartments

TOPICS

- mootness
- appellate jurisdiction
- appellate procedure
- eviction
- landlord tenant

PRACTICE AREAS

- Appellate procedure
- Civil procedure
- Landlord-tenant law
- Real estate

QUESTIONS PRESENTED

1. Whether the appeal from the forcible detainer judgment became moot because the appellant no longer possessed the property.
2. Whether the appellate court lacked jurisdiction and was required to vacate the trial court's judgment and dismiss the case.

HOLDINGS

1. An appeal from a forcible detainer case is moot when the appellant no longer possesses the property and does not hold and assert a potentially meritorious claim of right to current, actual possession.
2. When an appeal becomes moot, the appellate court lacks jurisdiction and must vacate the trial court's judgment and dismiss the case.

KEY QUOTATIONS

“An appeal from a forcible detainer case becomes moot when an appellant no longer has possession of the subject property unless the appellant holds and asserts “a potentially meritorious claim of right to current, actual possession” of the property.”

“Accordingly, we grant appellee’s motion and we vacate the trial court’s judgment and dismiss the case as moot.”

FACTUAL BACKGROUND

The appeal concerned possession of property in a forcible detainer action. The appellee represented that Johnson no longer lived in or possessed the property, and counsel's certificate of conference stated that Johnson's grandson acknowledged that she no longer lived there. Johnson did not respond to the motion to dismiss or assert a potentially meritorious claim to current, actual possession.

PROCEDURAL HISTORY

The County Civil Court at Law No. 2 of Harris County signed a judgment of possession on March 11, 2026, and issued a writ of possession the same day. Johnson filed a pro se notice of appeal on March 9, 2026. The appellee moved to dismiss the appeal as moot, and the court granted the motion, vacated the trial court's judgment, and dismissed the case.

DISPOSITION

vacated

CASES CITED

- Wilhelm v. Fed. Nat. Mortg. Ass’n, 349 S.W.3d 766, 768 (Tex. App.—Houston [14th Dist.] 2011, no pet.)
- Marshall v. Hous. Auth. of the City of San Antonio, 198 S.W.3d 782, 786-87 (Tex. 2006)
- Guillen v. U.S. Bank, N.A., 494 S.W.3d 861, 864 (Tex. App.—Houston [14th Dist.] 2016, no pet.)
- Marshall v. Hous. Auth. of the City of San Antonio, 198 S.W.3d 782, 785, 787, 790 (Tex. 2006)

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