

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

Grant Allen Nelson v. Mallary Lauren Nelson

No. 01-25-00608-CV, Court of Appeals for the First District of Texas (April 7, 2026)

SUMMARY

The First District Court of Appeals of Texas granted Grant Allen Nelson's unopposed motion to dismiss his appeal from a final divorce decree. Because no other party had appealed and no opinion had issued, the court dismissed the appeal under Texas Rule of Appellate Procedure 42.1(a)(1) and dismissed other 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	April 7, 2026
DOCKET	01-25-00608-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellant appealed from a final divorce decree and then filed an unopposed motion to dismiss the appeal.
PRECEDENTIAL VALUE	Published opinion; memorandum opinion
PARTIES	Grant Allen Nelson v. Mallary Lauren Nelson

TOPICS

- divorce
- family law procedure
- appellate procedure
- civil procedure

PRACTICE AREAS

- family law
- appellate procedure
- civil procedure

QUESTIONS PRESENTED

- Whether the court should dismiss the appeal upon the appellant's unopposed motion when no other party filed a notice of appeal and no opinion had issued.

HOLDINGS

1. The court may grant an appellant's unopposed motion to dismiss the appeal when the conditions of Texas Rule of Appellate Procedure 42.1(a)(1) are satisfied; the court therefore dismissed the appeal.

FACTUAL BACKGROUND

The trial court entered a final divorce decree on July 7, 2025. Grant Allen Nelson appealed but later stated that he no longer wished to prosecute the appeal and requested dismissal. No other party filed a notice of appeal, and the appellate court had not issued an opinion.

PROCEDURAL HISTORY

The 308th District Court of Harris County, Texas, entered a final divorce decree on July 7, 2025. Grant Allen Nelson filed a notice of appeal, then filed an unopposed motion to dismiss the appeal on January 14, 2026. The Court of Appeals had previously dismissed and reinstated the appeal, and ultimately granted the motion to dismiss.

DISPOSITION

dismissed

OPINION

PER CURIAM.

Opinion issued April 7, 2026 In The Court of Appeals For The First District of Texas NO. 01-25-00608-CV GRANT ALLEN NELSON, Appellant V. MALLARY LAUREN NELSON, Appellee On Appeal from the 308th District Court Harris County, Texas Trial Court Case No. 2024-20260 MEMORANDUM OPINION Appellant Grant Allen Nelson filed a notice of appeal from the trial court's July 7, 2025 final divorce decree.

On January 14, 2026, appellant filed an Unopposed Motion to Dismiss Appeal "request[ing] that the Court dismiss this appeal, as he no longer wishes to prosecute it." See TEX. R. APP. P. 42.1(a)(1). No other party has filed a notice of appeal, and no opinion has issued. See TEX. R. APP. P. 42.1(a)(1), (c).1 Accordingly, we grant the motion and dismiss the appeal.

See TEX. R. APP. P. 42.1(a)(1), 43.2(f). We dismiss any other pending motions as moot. PER CURIAM Panel consists of Justices Gunn, Caughey, and Morgan. 1 The Court had previously dismissed and then reinstated this appeal. 2