

**DISMISSED; Opinion Filed June 7, 2019**



**In The  
Court of Appeals  
Fifth District of Texas at Dallas**

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**No. 05-18-01191-CV**

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**JULIE JONES, Appellant  
V.  
DAN WILLEMS, Appellee**

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**On Appeal from the County Court at Law No. 5  
Dallas County, Texas  
Trial Court Cause No. CC-18-04952-E**

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**MEMORANDUM OPINION**

Before Justices Bridges, Brown, and Nowell  
Opinion by Justice Nowell

This is an appeal from a judgment of possession in a forcible detainer suit. Because a review of the clerk's record revealed a writ of possession had been served on appellant, it appeared appellant was no longer in possession of the premises and the appeal had become moot. *See Olley v. HVM, LLC*, 449 S.W.3d 572, 575 (Tex. App.—Houston [14<sup>th</sup> Dist.] 2014, pet. denied) (generally, appeal in forcible detainer action becomes moot when appellant is no longer in possession of premises). We questioned our jurisdiction over the appeal and directed appellant to file a letter brief addressing our concern. *See id.* (appellate courts lack jurisdiction over moot controversies). Although we cautioned appellant that failure to comply could result in dismissal of the appeal without further notice, more than a month has passed and appellant has not responded. *See Tex. R. App. P. 42.3(a),(c).*

When, as here, an appeal has become moot, an appellate court must vacate the trial court's judgment and dismiss the case. *See Marshall v. Hous. Auth. of City of San Antonio*, 198 S.W.3d 782, 785 (Tex. 2006). Accordingly, we vacate the trial court's judgment of possession and dismiss the case. *See id.*

/Erin A. Nowell/  
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ERIN A. NOWELL  
JUSTICE

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**Court of Appeals  
Fifth District of Texas at Dallas  
JUDGMENT**

JULIE JONES, Appellant

No. 05-18-01191-CV      V.

DAN WILLEMS, Appellee

On Appeal from the County Court at Law  
No. 5, Dallas County, Texas  
Trial Court Cause No. CC-18-04952-E.  
Opinion delivered by Justice Nowell,  
Justices Bridges and Brown participating.

In accordance with this Court's opinion of this date, we **VACATE** the trial court's judgment and **DISMISS** the case.

Judgment entered this 7<sup>th</sup> day of June, 2019.