



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

KAREN ALBA,	§	No. 08-19-00094-CV
	§	
Appellant,	§	Appeal from
	§	
v.	§	388th District Court
	§	
FRANK ALBA, JR.,	§	of El Paso County, Texas
	§	
Appellee.	§	(TC # 2017DCM4333)
	§	

MEMORANDUM OPINION

This appeal is before the Court on its own motion to determine whether it should be dismissed for want of jurisdiction. Karen Alba filed notice of appeal from a final decree of divorce. The trial court subsequently granted Appellant’s motion for new trial while it still had plenary power over the case. *See* TEX.R.CIV.P. 329b(e). The granting of a new trial caused the appeal to become moot. *See Heckman v. Williamson County*, 369 S.W.3d 137, 162 (Tex. 2012)(“[A] case is moot when the court’s action on the merits cannot affect the parties’ rights or interests.”). If a case becomes moot, a court must dismiss the proceeding for lack of jurisdiction. *Heckman*, 369 S.W.3d at 162. Accordingly, we dismiss the appeal for want of jurisdiction.

August 7, 2019

ANN CRAWFORD McCLURE, Chief Justice

Before McClure, C.J., Rodriguez, and Palafox, JJ.