



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

ALFREDO LOPEZ,	§	No. 08-21-00153-CV
Appellant,	§	Appeal from the
v.	§	388th District Court
IRMA LOPEZ,	§	of El Paso County, Texas
Appellee.	§	(2013DCM5652)
	§	

MEMORANDUM OPINION

Appellant Alfredo Lopez has filed a motion to voluntarily dismiss this appeal. According to Appellant's motion, Appellant filed a motion for new trial on July 23, 2021. Appellant subsequently filed a notice of appeal on the morning of September 9, 2021, prior to the expiration of the statutory time period for the trial court to rule on Appellant's motion for new trial. *See* TEX.R.CIV.P. 329b(c, e). Later that same day, the trial court signed an order granting a new trial. Appellee has not responded to the motion to dismiss the appeal.

Subject to a few exceptions (none of which are applicable here), an appeal may be taken only from a final judgment. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). Here, the trial court has not entered a final judgment from which to appeal, and because the trial court granted a new trial within the statutory time period, it retains jurisdiction over the case.

See TEX.R.CIV.P. 329b(c, e). This appeal is therefore dismissed for lack of jurisdiction. *See* TEX.R.APP.P. 42.3(a). Costs of this appeal are taxed against the Appellant. *See* TEX.R.APP.P. 42.1(d).

October 26, 2021

YVONNE T. RODRIGUEZ, Chief Justice

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