

Dismissed and Opinion Filed January 25, 2016



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-15-00664-CV

LUIS A. SANTIAGO, Appellant

V.

**THE BANK OF NEW YORK MELLON, AS SUCCESSOR TRUSTEE TO JPMORGAN
CHASE BANK, AS TRUSTEE FOR NOVASTAR MORTGAGE FUNDING TRUST,
SERIES 2004-2, NOVASTAR HOME EQUITY LOAN ASSET-BACKED
CERTIFICATES, SERIES 2004-2, AND OCWEN LOAN SERVICING, LLC, Appellees**

**On Appeal from the 296th Judicial District Court
Collin County, Texas
Trial Court Cause No. 296-01232-2015**

MEMORANDUM OPINION

Before Justices Bridges, Francis, and Myers
Opinion by Justice Francis

Appellant Luis A. Santiago appeals the trial court's denial of his application for temporary injunction. On January 13, 2016, appellees filed a motion to dismiss the appeal, asserting the appeal is moot because the trial court has rendered final judgment in the case. Attached to the motion is a copy of the trial court's November 15, 2015 final summary judgment order dismissing Santiago's claims.

If, while on appeal of the granting or denying of the temporary injunction, the trial court renders final judgment, the case on appeal becomes moot. *Isuani v. Manske-Sheffield Radiology Group, P.A.*, 802 S.W.2d 235, 236 (Tex. 1991) (per curiam). We must dismiss a case once it becomes moot on appeal. *Id.*

Accordingly, we grant appellees' motion and dismiss the appeal as moot.

150664F.P05

/Molly Francis/
MOLLY FRANCIS
JUSTICE



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

JUDGMENT

LUIS A. SANTIAGO, Appellant

No. 05-15-00664-CV V.

THE BANK OF NEW YORK MELLON,
AS SUCCESSOR TRUSTEE TO
JPMORGAN CHASE BANK, AS
TRUSTEE FOR NOVASTAR
MORTGAGE FUNDING TRUST, SERIES
2004-2, NOVASTAR HOME EQUITY
LOAN ASSET-BACKED CERTIFICATES,
SERIES 2004-2, AND OCWEN LOAN
SERVICING, LLC, Appellees

On Appeal from the 296th Judicial District
Court, Collin County, Texas
Trial Court Cause No. 296-01232-2015.
Opinion delivered by Justice Francis;
Justices Bridges and Myers participating.

In accordance with this Court's opinion of this date, the appeal is **DISMISSED** as moot.

It is **ORDERED** that appellees THE BANK OF NEW YORK MELLON, AS SUCCESSOR TRUSTEE TO JPMORGAN CHASE BANK, AS TRUSTEE FOR NOVASTAR MORTGAGE FUNDING TRUST, SERIES 2004-2. NOVASTAR HOME EQUITY LOAN ASSET-BACKED CERTIFICATES, SERIES 2004-2, AND OCWEN LOAN SERVICING, LLC recover their costs of this appeal from appellant LUIS A. SANTIAGO.

Judgment entered January 25, 2016.