

Dismissed; Opinion Filed June 4, 2018.



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-18-00082-CV

KINKESHA BETTS, Appellant

V.

CODY DAY, Appellee

On Appeal from the County Court at Law No. 2
Dallas County, Texas
Trial Court Cause No. CC-17-06264-B

MEMORANDUM OPINION

Before Justices Lang-Miers, Evans, and Schenck
Opinion by Justice Evans

By letter dated March 22, 2018, the Court questioned its jurisdiction over the appeal because the trial court had signed an order vacating the judgment. We instructed appellant to file, by April 2, 2018, a letter brief addressing the jurisdictional issue and cautioned her that failure to comply may result in dismissal of the appeal without further notice. As of today's date, appellant has not complied.

In her notice of appeal, appellant states she is appealing the trial court's January 18, 2018 judgment. However, the trial court signed an order on February 9, 2018 vacating the judgment. A judgment that has been vacated has no legal effect and the matter stands as if there had been no judgment. *See Pringle v. Moon*, 158 S.W.3d 607, 610 (Tex. App.—Fort Worth 2005, no pet.). Thus, appellant's appeal is now moot. *See In re Gunnstaks*, No. 05-07-01289-CV, 2010 WL

22795, at *3 (Tex. App.—Dallas Jan. 6, 2010, no pet.) (mem. op.) (dismissing as moot an appeal from a sanctions order previously vacated by the trial court).

Because the trial court signed an order vacating the appealed judgment, we dismiss the appeal. *See* TEX. R. APP. P. 42.3(a), (c).

/David Evans/
DAVID EVANS
JUSTICE

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

JUDGMENT

KINKESHA BETTS, Appellant

No. 05-18-00082-CV V.

CODY DAY, Appellee

On Appeal from the County Court at Law
No. 2, Dallas County, Texas
Trial Court Cause No. CC-17-06264-B.
Opinion delivered by Justice Evans.
Justices Lang-Miers and Schenck
participating.

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

It is **ORDERED** that appellee CODY DAY recover his costs of this appeal from appellant KINKESHA BETTS.

Judgment entered this 4th day of June, 2018.