

**DISMISS and Opinion Filed October 24, 2022**



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

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**No. 05-22-00335-CV**

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**SHAHD MEDHAT MAHMOUD RAFAT, Appellant  
V.  
THE GABLES ON MCCALLUM APARTMENTS, Appellee**

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**On Appeal from the County Court at Law No. 2  
Collin County, Texas  
Trial Court Cause No. 002-00288-2022**

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**MEMORANDUM OPINION**

Before Justices Myers, Pedersen, III, and Garcia  
Opinion by Justice Garcia

This is an appeal from the trial court's final judgement of possession. Because the clerk's record reflected that the trial court granted a motion for new trial and signed an order granting nonsuit of the underlying cause during its plenary power, but after the appeal was filed, it appeared the appeal was rendered moot. *See In re Kellogg Brown & Root, Inc.*, 166 S.W.3d 732, 737 (Tex. 2005) (case becomes moot if controversy ceases to exist between parties at any stage of legal proceedings, including appeal).

We requested jurisdictional briefing from appellant. *Nat'l Collegiate Athletic Ass'n v. Jones*, 1 S.W.3d 83, 86 (Tex. 1999) (appellate courts lack jurisdiction over moot controversies). Although we cautioned that failure to comply within ten days could result in the appeal being dismissed, more than ten days have passed and appellant has not responded. *See* TEX. R. APP. P. 42.3(a),(c). Accordingly, on the record before us, we dismiss the appeal for want of jurisdiction. *See id.* 42.3(a).

/K. Dennise Garcia/  
K. DENNISE GARCIA  
JUSTICE

220335F.P05



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

**JUDGMENT**

SHAHD MEDHAT MAHMOUD  
RAFAT, Appellant

No. 05-22-00335-CV      V.

THE GABLES ON MCCALLUM  
APARTMENTS, Appellee

On Appeal from the County Court at  
Law No. 2, Collin County, Texas  
Trial Court Cause No. 002-00288-  
2022.

Opinion delivered by Justice Garcia.  
Justices Myers and Pedersen, III  
participating.

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

Judgment entered October 24, 2022