

Dismiss and Opinion Filed September 29, 2023



In the
Court of Appeals
Fifth District of Texas at Dallas

No. 05-22-01365-CV

GREGORY SHELBY, Appellant

V.

TITLE MAX, INC. AND LAPORTIA ANDRIKA TENILLE WARFIELD,
Appellees

On Appeal from the 14th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-22-03640

MEMORANDUM OPINION

Before Justices Carlyle, Smith, and Kennedy
Opinion by Justice Carlyle

This appeal challenges the trial court’s October 26, 2022 order granting appellee Title Max, Inc.’s traditional motion for summary judgment. Because the record reflected the trial court had signed a final judgment that dismissed “all causes of action” on July 7, 2022 and the summary judgment order was signed outside the court’s plenary power, it appeared the summary judgment order was void. *See* TEX. R. CIV. P. 329b(d), (e) (trial court’s plenary power); *State ex rel. Latty v. Owens*, 907 S.W.2d 484, 486 (Tex. 1995) (per curiam) (“Judicial action taken after a court’s jurisdiction over a cause has expired is a nullity.”).

We informed appellant by letter that an appellate court has no jurisdiction over the merits of an appeal from a void order. *See Freedom Commc 'ns, Inc. v. Coronado*, 372 S.W.3d 621, 624 (Tex. 2012) (per curiam). When an appeal is taken from a void order, an appellate court's jurisdiction is limited to declaring the appealed order void and dismissing the appeal. *See Latty*, 907 S.W.2d at 486.

Accordingly, we directed appellant to file a letter brief showing why the appeal should not be dismissed and gave appellees an opportunity to respond. Appellant filed a letter brief, but as appellee Title Max notes in its response, he failed to show why the appeal should not be dismissed, arguing instead the merits of the appeal.¹ Because the appealed summary judgment order is void, we vacate the order and dismiss the appeal. *See id.*

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/Cory L. Carlyle//

CORY L. CARLYLE
JUSTICE

¹ We note that appellant asks we “forward this case to the Federal Court” if we “do not feel” we “have jurisdiction.” We are limited to vacating the void judgment and dismissing the appeal. *See Latty*, 907 S.W.2d at 486.



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

JUDGMENT

GREGORY SHELBY, Appellant

No. 05-22-01365-CV V.

TITLE MAX, INC. AND
LAPORTIA ANDRIKA TENILLE
WARFIELD, Appellees

On Appeal from the 14th Judicial
District Court, Dallas County, Texas
Trial Court Cause No. DC-22-03640.
Opinion delivered by Justice Carlyle,
Justices Smith and Kennedy
participating.

In accordance with this Court's opinion of this date, we **DISMISS** the appeal.

Judgment entered this 29th day of September 2023.