

Opinion issued August 27, 2020



In The  
**Court of Appeals**  
For The  
**First District of Texas**

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NO. 01-19-00384-CV

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**IN RE WINNIE STACEY ALWAZZAN, Relator**

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**Original Proceeding on Petition for Writ of Injunction**

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**MEMORANDUM OPINION**

On December 6, 2018, this Court issued an opinion in *Alwazzan v. Alwazzan*, appellate cause number 01-16-00589-CV, a divorce case.<sup>1</sup> *See* 596 S.W.3d 789 (Tex. App.—Houston [1st Dist.] 2018, pet. filed). Relator, Winnie Stacey Alwazzan, the appellant in the divorce appeal, filed a motion for en banc reconsideration of the

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<sup>1</sup> The underlying case is *Alwazzan v. Alwazzan*, cause number 13-FD-0848, in the 306th District Court of Galveston County, Texas, the Hon. Anne Darring presiding.

December 6, 2018 opinion. She also filed a motion for temporary relief and stay. In this motion, she requested that this Court enjoin all parties to the appeal—herself, appellee Isa Ali Alwazzan, and appellee International Agencies Co., Ltd. (IACL)—from filing or taking any action in any trial court regarding the Alwazzans’ marital rights, their children, and any related action until this Court decides the merits of the divorce appeal.

In an order dated May 21, 2019, this Court construed Winnie’s motion as a petition for writ of injunction and assigned it appellate cause number 01-19-00384-CV. *See* TEX. GOV’T CODE ANN. § 22.221(a) (“Each court of appeals . . . may issue a writ of mandamus and all other writs necessary to enforce the jurisdiction of the court.”); TEX. R. APP. P. 52.1 (“An original appellate proceeding seeking extraordinary relief—such as a writ of habeas corpus, mandamus, prohibition, injunction, or quo warranto—is commenced by filing a petition with the clerk of the appropriate appellate court.”). The order stated:

We grant the following temporary relief, pending our action on the petition for writ of injunction:

Winnie Alwazzan, Isa Alwazzan, and IACL must refrain from [pursuing] or prosecuting any action or seeking any relief from any trial court related to the dissolution of the marriage between Isa and Winnie or related to issues involving their children until the appeal in appellate cause number 01-16-00589-CV is finally concluded, including the disposing of all motions for rehearing and motions for en banc review.

*See* TEX. R. APP. P. 52.10(a), (b) (providing that relator may file motion to stay any underlying proceedings or for any other temporary relief pending court’s action on petition and that court may grant “any just relief pending the court’s action on the petition”).

On March 26, 2020, this Court denied en banc reconsideration in *Alwazzan v. Alwazzan*, 01-16-00589-CV, resolving that appeal.<sup>2</sup> We therefore lift the temporary stay issued on May 21, 2019, and deny Winnie’s petition for writ of injunction as moot. *See* TEX. R. APP. P. 52.10(b) (“Unless vacated or modified, an order granting temporary relief is effective until the case is finally decided.”).

**PER CURIAM**

Panel consists of Justices Keyes, Lloyd, and Landau.

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<sup>2</sup> Texas Rule of Appellate Procedure 19.1 provides that an appellate court’s plenary power over its judgment expires thirty days “after the court overrules all timely filed motions for rehearing or en banc reconsideration, and all timely filed motions to extend time to file such a motion.” TEX. R. APP. P. 19.1(b); *Bass v. Bass*, 106 S.W.3d 311, 314–15 (Tex. App.—Houston [1st Dist.] 2003, no pet.). This Court’s plenary power over the divorce appeal thus expired April 27, 2020. A petition for review must be filed with the Texas Supreme Court within forty-five days after “the date of the court of appeals’ last ruling on all timely filed motions for rehearing or en banc reconsideration.” TEX. R. APP. P. 53.7(a)(2). Winnie filed a petition for review with the Texas Supreme Court on May 8, 2020, within forty-five days of the date this Court overruled her motion for en banc reconsideration.