

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-23-00342-CV

TINESHIA SMITH, Appellant

V.

MEDRICK SMITH, Appellee

On Appeal from the 317th District Court
Jefferson County, Texas
Trial Cause No. 23DCFM0834

MEMORANDUM OPINION

On October 30, 2023, the trial court signed a default judgment in a suit for divorce. Tineshia Smith filed a notice of appeal within thirty days of the date on which the trial court signed the final decree of divorce. On November 28, 2023, Tineshia Smith timely filed a motion to set aside the default judgment of divorce. On November 30, 2023, while the trial court had plenary power over its final judgment, the court granted a motion to set aside the final decree of divorce. *See* Tex. R. Civ. P. 329b(d), (e).

We notified the parties that the District Clerk had filed a supplemental clerk's record that included an order setting aside the appealed judgment and we informed the parties that we would dismiss the appeal unless on or before December 11, 2023, a party filed a written response explaining why the appeal should not be dismissed as moot. The parties did not object or file a response to the Court's notification.

For the reasons explained above, we dismiss the appeal. *See* Tex. R. App. P. 43.2(f).

APPEAL DISMISSED.

PER CURIAM

Submitted on January 17, 2024
Opinion Delivered January 18, 2024

Before Horton, Johnson and Wright, JJ.