

NO. 07-02-0228-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL B
JULY 3, 2002

JOSE GUERRERO,

Appellant

v.

EMMA FLORES,

Appellee

FROM THE 69TH DISTRICT COURT OF MOORE COUNTY;

NO. 00-83; HON. RON ENNS, PRESIDING

Before BOYD, C.J., QUINN and JOHNSON, JJ.

Pending before the court is the appeal of Jose Guerrero from what purported to be a final order. Since he filed the notice of appeal, however, the trial court timely granted a new trial, as confirmed by Guerrero via letter addressed to this court and dated July 1, 2002. In that letter, he also represented that the proceeding should be dismissed for the want of jurisdiction. Because a new trial has been granted and this circumstance vitiates the finality of the order from which appeal was taken, we conclude that our jurisdiction over the cause is non-existent.

Accordingly, the appeal is dismissed for want of jurisdiction. Since appellant acquiesces in this, no motions for rehearing will be entertained and mandate shall issue immediately.

Per Curiam

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