



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-16-00329-CV

LEVI SPRIGGS, APPELLANT

V.

ALBENITA GONZALES, APPELLEE

On Appeal from the 181st District Court
Randall County, Texas
Trial Court No. 69,573-B, Honorable Edward Lee Self, Presiding

December 5, 2016

MEMORANDUM OPINION

Before QUINN, C.J., and CAMPBELL and HANCOCK, JJ.

Pending before the court is an appeal by Levi Spriggs (Spriggs) from an interlocutory order granting a temporary injunction in favor of Albenita Gonzales (Gonzales). Questioning whether this court had jurisdiction over the appeal since a final judgment in the underlying cause has been entered, we directed the litigants to address the matter. Both parties responded.

Spriggs contends that the “collateral consequences exception to the mootness doctrine” applies here. *See Marshall v. Housing Auth. of City of San Antonio*, 198

S.W.3d 782, 789 (Tex. 2006) (collateral consequences arise when “a concrete disadvantage resulted from the judgment and that the disadvantage will persist even if the judgment is vacated and the case dismissed as moot.”). This, allegedly, is so because Spriggs “has been sanctioned in relation to this appeal.” Furthermore, “[t]he imposed sanctions are concrete and will persisting [sic] after dismissal. [Spriggs] contests the validity of the sanctions. Dismissal of this appeal as moot may diminish the ability of the appellant to seek review of the basis of sanctions.” In the alternative, Spriggs requests that the matter be consolidated with appellate “Case Number: 07-16-00418-CV. . . because [t]he appeal there, rises from the same trial cause and contemplates the same records.” Gonzales contends that because a final judgment was rendered the appeal became moot. We dismiss the appeal for want of jurisdiction.

In reviewing the order being appealed, we note it contains no language regarding sanctions imposed on Spriggs. Nor does he argue that the issuance of sanctions was a matter capable of review via an interlocutory appeal seeking to attack a temporary injunction. While statute permits one to perfect an interlocutory appeal for purposes of reviewing decisions concerning the issuance or denial of a temporary injunction, see TEX. CIV. PRAC. & REM. CODE. ANN. § 51.014(a)(4) (West Supp. 2016) (stating that an interlocutory appeal may be taken from an order that “grants or refuses a temporary injunction or grants or overrules a motion to dissolve a temporary injunction . . .”), we have been cited to no statute that would permit an interlocutory review of a sanction order unrelated to the accuracy of the trial court’s decision to grant a temporary injunction. This is of import since statutes permitting interlocutory appeals are strictly construed or applied. *CMH Homes v. Perez*, 340 S.W.3d 444, 448-49 (Tex. 2011).

While those statutes may allow a particular question to be reviewed before issuance of a final judgment, they do not grant jurisdiction to review other matter outside the scope of the statute in play. See e.g. *Astoria Indus. of Iowa, Inc. v. SNF, Inc.*, 223 S.W.3d 616, 627-28 (Tex. App.—Fort Worth 2007, pet. denied) (holding that only the portion of the order denying summary judgment which implicated the free speech defense was subject to interlocutory appeal via § 51.014(a)(6) of the Civil Practice and Remedies Code but other issues unrelated to the free speech defense were not); *Ware v. Miller*, 82 S.W.3d 795, 800 (Tex. App.—Amarillo 2002 pet. denied) (holding that while the denial of the pleas to jurisdiction asserted by the county judge and the commissioners in their official capacities were proper issues for consideration on interlocutory appeal, the denial of their challenges to Miller’s standing made in their individual capacities were not); *City of Robstown v. Ramirez*, 17 S.W.3d 268, 272-73 (Tex. App.—Corpus Christi 2000, pet. denied) (holding that it had no jurisdiction to consider the claims of res judicata and collateral estoppel via an interlocutory appeal from an immunity order). And, we do not read § 51.014(a)(4) of the Civil Practice and Remedies Code to encompass issuance of sanctions unrelated to the question of whether the trial court erred in granting or denying a temporary injunction. Thus, we would lack jurisdiction to address the sanctions order irrespective of the “collateral consequence” exception urged by Spriggs.

“If, while on the appeal of the granting or denying of the temporary injunction, the trial court renders final judgment, the case on appeal becomes moot.” *Isuani v. Manske-Sheffield Radiology Group, P.A.*, 802 S.W.2d 235, 236 (Tex. 1991); *Smith v. Smith*, No. 13-16-000199-CV, 2016 Tex. App. LEXIS 10860, at *2 (Tex. App.—Corpus

Christi October 6, 2016, no pet.) (mem. op.). Should the dispute become moot on appeal, then “all previous orders pertaining to the temporary injunction are set aside by the appellate court and the case is dismissed.” *Isuani*, 802 S.W.2d at 236. A final judgment having issued in the underlying cause, this appeal from an order granting a temporary injunction is moot. Therefore, we vacate the temporary injunction and the order granting it and dismiss the appeal as moot.

Per Curiam