

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-02-00183-CV

**John J. Fietsam; and John J. Fietsam, Individually and dba John J. Fietsam, Inc. and
dba Texbutane Co., Appellants**

v.

Lennard Sidney , Appellee

**FROM THE DISTRICT COURT OF FAYETTE COUNTY, 155TH JUDICIAL DISTRICT
NO. 2001V-231, HONORABLE DANIEL R. BECK, JUDGE PRESIDING**

The district court rendered judgment in this cause on January 30, 2002. Appellants filed a notice of appeal in the district court March 4. However, on February 28 appellants had timely filed a motion for new trial or alternatively a motion for rehearing. *See* Tex. R. Civ. P. 329b(a). On May 13, the clerk of this Court received notice that the district court had vacated its prior judgment and granted the motion for rehearing.¹ *See* Tex. R. Civ. P. 329b(c), (d). As a result, there is no final judgment before this Court.

¹ On May 13 the clerk of this Court received a letter from the district-court clerk containing this information along with a copy of a letter from the district court to the parties that read, **AI** have decided to vacate my current ruling and to grant the Motion for Rehearing. The matter is set for rehearing on Friday, June 14, 2002, at 9:00 a.m., in the 155th District Courtroom, La Grange, Fayette County, Texas.®

Accordingly, we dismiss the appeal for want of jurisdiction. Tex. R. App. P. 42.3(a).

Lee Yeakel, Justice

Before Chief Justice Aboussie, Justices B. A. Smith and Yeakel

Dismissed for Want of Jurisdiction

Filed: May 31, 2002

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