



**NUMBER 13-16-00582-CV**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI—EDINBURG**

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**EFREN CENICEROS AND  
ERNESTO LUGO,**

**APPELLANTS,**

**v.**

**DONNA INDEPENDENT SCHOOL  
DISTRICT BOARD OF TRUSTEES,**

**APPELLEE.**

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**On appeal from the 92nd District Court  
of Hidalgo County, Texas.**

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**MEMORANDUM OPINION**

**Before Justices Garza, Perkes, and Longoria  
Memorandum Opinion Per Curiam**

Appellants Efren Cenicerros and Ernesto Lugo appeal the trial court's order refusing their motion for a temporary injunction against appellee, the Donna Independent

School District Board of Trustees. Appellants have also filed a motion for emergency relief requesting that we issue a temporary injunction to preserve our jurisdiction during the pendency of this appeal. See TEX. R. APP. P. 29.3. Appellee has filed a response opposing the requested relief on the grounds that the appeal has become moot. Appellee argues the appeal is moot because the trial court judge has rendered a final judgment on the merits of the case.

We agree with appellee that this appeal is now moot. The mootness doctrine implicates subject matter jurisdiction. See *Trulock v. City of Duncanville*, 277 S.W.3d 920, 923 (Tex. App.—Dallas 2009, no pet.); *City of Shoreacres v. Tex. Comm’n on Env’tl. Quality*, 166 S.W.3d 825, 830 (Tex. App.—Austin 2005, no pet.). Appellate courts are prohibited from deciding a moot controversy. See *Nat’l Collegiate Athletic Ass’n v. Jones*, 1 S.W.3d 83, 86 (Tex. 1999); *City of Farmers Branch v. Ramos*, 235 S.W.3d 462, 469 (Tex. App.—Dallas 2007, no pet.) (noting that a court may only decide issues presenting “a live controversy at the time of the decision”). If a controversy ceases to exist or the parties lack a legally cognizable interest in the outcome at any stage, the case becomes moot. *Allstate Ins. Co. v. Hallman*, 159 S.W.3d 640, 642 (Tex. 2005); *Williams v. Lara*, 52 S.W.3d 171, 184 (Tex. 2001). “[A] suit can become moot at any time, including on appeal, and . . . courts have an obligation to take into account intervening events that may render a lawsuit moot.” *Heckman v. Williamson Cnty.*, 369 S.W.3d 137, 166–67 (Tex. 2012). If a proceeding becomes moot, the court must dismiss the proceeding for want of jurisdiction. See *id.*

A final decision on the merits of a case renders moot an appeal of the trial court’s decision to grant or refuse a temporary injunction. See *Isuani v. Manske-Sheffield Radiology Group, P.A.*, 802 S.W.2d 235, 236 (Tex. 1991) (“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.”); *In re Estate of Sheshtawy*, 478 S.W.3d 82, 85 (Tex. App.—Houston [14th Dist.] 2015, no pet.) (same). Appellee attached to its response a copy of the “Final Judgment” signed and entered by the trial court on October 31, 2016. The judgment reflects that the trial court denied all relief requested by the plaintiffs, refused to award attorneys’ fees to either party, and intended the judgment to be “a final and appealable judgment, resolving all controversies between the parties in this matter.” We agree that the judgment of the trial court is final because it unequivocally expresses its intent to dispose of all claims and all parties. See *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 200 (Tex. 2001). And because the judgment is final, appellants’ appeal to the court’s order refusing a temporary injunction is now moot. See *Isuani*, 802 S.W.2d at 236; *In re Estate of Sheshtawy*, 478 S.W.3d at 85.

We DISMISS this appeal FOR WANT OF JURISDICTION. See TEX. R. APP. P. 42.3(a). Appellants’ motion for emergency relief is DISMISSED AS MOOT.

PER CURIAM

Delivered and filed the  
1st day of December, 2016.