



NUMBER 13-17-00092-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

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STEPHEN D. FOX,

Appellant,

v.

JUAN CORONADO,

Appellee.

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On appeal from the County Court at Law No. 3  
of Nueces County, Texas.

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## MEMORANDUM OPINION

**Before Chief Justice Valdez and Justices Rodriguez and Hinojosa  
Memorandum Opinion by Justice Hinojosa**

Appellant, Stephen D. Fox, appealed a judgment signed by the County Court at Law No. 3 of Nueces County, Texas, on February 7, 2017. The trial court granted appellant's motion for rehearing and/or motion for new trial on March 22, 2017. Accordingly, on March 31, 2017, the Clerk of this Court notified appellant that it appeared

the order of March 22, 2017, rendered this appeal moot. The Clerk advised appellant that if he desired to continue the appeal, he had to file a response showing grounds for continuing the appeal within ten days or the appeal would be dismissed. Appellant has not filed a response.

The granting of a motion for new trial restores the case to its position before the former trial, *Wilkins v. Methodist Health Care Sys.*, 160 S.W.3d 559, 563 (Tex. 2005), and it renders any appeal moot. Accordingly, we dismiss the appeal as moot. See TEX. R. APP. P. 42.3(a), (c); 43.2(f).

LETICIA HINOJOSA  
Justice

Delivered and filed the  
18th day of May, 2017.