



**NUMBER 13-24-00064-CV**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI – EDINBURG**

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**IN THE MATTER OF THE MARRIAGE OF EDGARDO CASTILLO  
ROSALES AND ESMERALDA GARCIA**

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**ON APPEAL FROM THE COUNTY COURT AT LAW NO. 10  
OF HIDALGO COUNTY, TEXAS**

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**MEMORANDUM OPINION**

**Before Chief Justice Contreras and Justices Longoria and Peña  
Memorandum Opinion by Justice Longoria**

On January 16, 2024, appellant Edgardo Castillo Rosales a/k/a Edgardo Castillo filed a notice of appeal from an order granting a bill of review in favor of appellee Esmeralda Garcia. On February 7, 2024, the Clerk of this Court advised appellant that the order he was attempting to appeal was not appealable, directed him to correct this defect within ten days, if possible, and informed him that the appeal would be dismissed if this defect was not cured. See TEX. R. APP. P. 42.3(a), (c). Appellant did not respond to

the Clerk's directives.

“A bill of review which sets aside a prior judgment but does not dispose of all the issues of the case on the merits is interlocutory in nature and not a final judgment appealable to the court of appeals or the supreme court.” *Kiefer v. Touris*, 197 S.W.3d 300, 302 (Tex. 2006) (orig. proceeding) (quoting *Tesoro Petroleum v. Smith*, 796 S.W.2d 705, 705 (Tex. 1990) (per curiam)); see *Jordan v. Jordan*, 907 S.W.2d 471, 472 (Tex. 1995) (per curiam); *In re D.N.C.*, 656 S.W.3d 764, 766 (Tex. App.—El Paso 2022, no pet.); *Weiss v. Kenneth D. Eichner, P.C.*, 632 S.W.3d 921, 924 (Tex. App.—Houston [14th Dist.] 2021, no pet.); *In re Estrada*, 492 S.W.3d 42, 46 (Tex. App.—Corpus Christi—Edinburg 2016, orig. proceeding).

The Court, having examined and fully considered the notice of appeal and the record, is of the opinion that we lack jurisdiction over this appeal. The trial court's order granting the bill of review sets aside and vacates the trial court's previous judgment, reopens the case, and grants a new trial. The order does not dispose of all the issues of the case on the merits and accordingly, is interlocutory in nature and not a final, appealable judgment. See *Kiefer*, 197 S.W.3d at 302; *Jordan*, 907 S.W.2d at 472; *In re D.N.C.*, 656 S.W.3d at 766. We dismiss the appeal for lack of jurisdiction.

NORA L. LONGORIA  
Justice

Delivered and filed on the  
11th day of April, 2024.