

Motion Granted; Appeal Dismissed and Memorandum Opinion filed March 20, 2025



In The

Fourteenth Court of Appeals

NO. 14-24-00430-CV

DIOGU KALU DIOGU, ET AL, Appellant

V.

LAKELAND W. CAPITAL 41, LLC, Appellee

**On Appeal from the County Court at Law No. 2
Fort Bend County, Texas
Trial Court Cause No. 22-CCV-071305**

MEMORANDUM OPINION

This is an appeal from a judgment awarding possession of real property signed May 23, 2024. On February 24, 2025, appellant filed a motion to dismiss the appeal because the controversy has been rendered moot. According to appellant, appellee evicted appellant, but appellant has since regained possession of the property. Appellee has initiated a new eviction proceeding against appellant in the Fort Bend Justice of the Peace Court.

We agree the appeal is moot. Accordingly, we grant appellant's motion to dismiss the appeal and order the judgment of the trial court vacated. *See Marshall v. Housing Auth. of the City of San Antonio*, 198 S.W.3d 782, 787 (Tex. 2006) (concluding that forcible detainer appeal was moot and that the court of appeals erred in dismissing on the appeal and leaving the trial court's judgment in place).

PER CURIAM

Panel Consists of Chief Justice Christopher and Justices Jewell and McLaughlin.