

Motion for Rehearing Denied; Opinion issued March 20, 2025 Withdrawn, Judgment issued March 20, 2025 Vacated; Substitute Memorandum Opinion filed May 8, 2025.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**

SUBSTITUTE MEMORANDUM OPINION¹

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 this appeal. We granted appellant's motion to dismiss the appeal on March 20, 2025. On March 20, 2025 we issued an opinion dismissing the appeal and vacating

¹ We deny appellee's motion for rehearing, withdraw the opinion issued March 20, 2025, vacate our judgment of March 20, 2025, and issue this substitute opinion in its place.

the trial court's judgment. *See* Tex. R. App. P. 42.1(a)(1). As of today's date, that opinion is withdrawn and the judgment of that date is vacated; this opinion is substituted in its place. We deny appellee's motion for rehearing and the appeal is dismissed without vacating the judgment of the trial court.

PER CURIAM

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