

Motion Denied and Order filed July 9, 2020.



**In The
Fourteenth Court of Appeals**

NO. 14-20-00090-CV

**IN THE MATTER OF THE MARRIAGE OF ERIC STEVEN MCQUEEN
AND VANICHA MCQUEEN**

**On Appeal from the 247th District Court
Harris County, Texas
Trial Court Cause No. 2011-32970**

MEMORANDUM OPINION

This is an appeal from a final enforcement order signed November 4, 2019. On February 13, 2020, the parties filed a joint motion to dismiss the appeal. We denied that motion for the reasons set forth in our order of March 26, 2020. *In re Marriage of McQueen*, 597 S.W.3d 53 (Tex. App.—Houston [14th Dist.] 2020, order).

On April 21, 2020, appellant Eric Steven McQueen filed a “First Amended Motion to Dismiss Appeal.” In this motion Eric McQueen asserted that he and appellee Vanicha McQueen had reached an agreement signed by the parties’ attorneys and filed with the clerk of this court. Eric McQueen asked this court to render judgment effectuating the parties’ agreement. *See* Tex. R. App. P. 42.1(a)(2)(A). Upon notification that no agreement signed by the parties’ attorneys had been filed with the clerk of this court, appellant filed two releases of judgment: (1) a release of judgment executed by Eric McQueen as to a \$1,750 judgment he had recovered against Vanicha McQueen; and (2) a release of judgment executed by Vanicha McQueen as to a \$8,959.10 judgment she had recovered against Eric McQueen. These two releases are not an agreement signed by the parties or their attorneys. Neither Vanicha McQueen nor her attorney signed the “First Amended Motion to Dismiss Appeal.” No agreement signed by the parties or their attorneys has been filed with the clerk of this court.

Eric McQueen brought this appeal from an order signed November 4, 2019, granting Vanicha McQueen’s motion for enforcement and ordering Eric McQueen to pay Vanicha McQueen \$8,959.10. Eric McQueen has submitted a copy of a “Release of Judgment,” signed by Vanicha McQueen as to this order. Therefore, it appears this appeal is moot. *See Rapp v. Mandell & Wright*, 123 S.W.3d 431, 436 (Tex. App.—Houston [14th Dist.] 2003, pet. denied) (release of judgment appealed from rendered the appeal moot).

We deny the “First Amended Motion to Dismiss Appeal.” The Court will dismiss this appeal for want of jurisdiction based on mootness unless a party files a response within ten days of the date of this order showing meritorious grounds for continuing the appeal. *See* Tex. R. App. P. 42.3.

PER CURIAM

Panel consists of Chief Justice Frost and Justices Jewell and Spain.