

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

CAROLYN R. DAWSON, pro se

Petitioner,

v.

KEVIN J. PAKENHAM, et al,

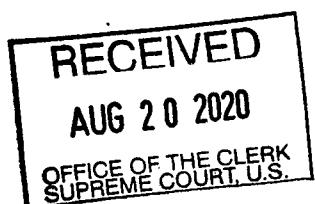
Respondent,

ON PETITION FOR A WRIT OF CERTIORARI TO
FIRST COURT OF APPEALS, HOUSTON, TEXAS

APPENDIX

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August 14, 2020



INDEX TO APPENDICES

APPENDIX A

Opinion, First Court of Appeals, Houston, Texas, decision, dated October 29, 2019.

APPENDIX B

Order, First Court of Appeals for En Banc Reconsideration dated December 05, 2019.

APPENDIX C

Order, Petition for Review, Supreme Court Texas, dated February 14, 2020, denied.

APPENDIX D

Order, Petition for Review-Rehearing, Supreme Court, Texas, denied, dated April 24, 2020.

APPENDIX E

Order, Motion for Stay in above entitled case First COA, denied, dated August 09, 2019.

APPENDIX F

Email, Trial Court scheduled hearing date for August 13, 2019.

APPENDIX G

Judgment, Trial Court No-Evidence Summary Judgment, dated July 31, 2019.

APPENDIX H

Chinyere v. Wells Fargo Bank, N.A. No. 01-11-00304-CV, dated July 12, 2012.

APPENDIX I

John Rady v. CitiMortgage, Inc.; No. 03-11-00734-CV, dated March 09, 2012.

APPENDIX J

Theresa Marshall v. Housing Authority of the City of San Antonio, No. 04-0147; dated March 03, 2006.

APPENDIX K

Rudy Guillen v. U.S. Bank, N.A, No. 14-15-00408-CV, dated April 14, 2016.

APPENDIX L

Juan Jesus Cantu, et al v. Zar-Mar Properties, et. al,
No. 13-12-00516-CV, May 08, 2014.

APPENDIX M

Trial Court No-Evidence Summary Judgment
Transcript, dated July 31, 2019.

APPENDIX N

Respondent's Motion for No-Evidence Summary
Judgment, dated July 01, 2019.

APPENDIX O

Petitioner's Response to Motion for Summary
Judgment, dated July 08, 2019.

APPENDIX P

Petitioner's email to Constable, dated August 09, 2019.

APPENDIX Q

Writ of Possession, dated August 06, 2019.

APPENDIX R

Issuance Writ guidelines.

APPENDIX S

Foreclosure "Sale" Deed

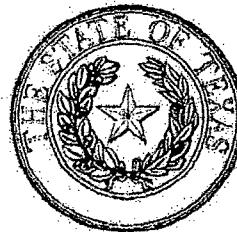
APPENDIX T

Petitioner's Notice of Appeal, dated July 31, 2019.

APPENDIX U

Trial Court and First Court of Appeals Docket Sheets.

APPENDIX A



JUDGMENT

Court of Appeals
First District of Texas

NO. 01-19-00572-CV

CAROLYN R. DAWSON, Appellant

v.

KEVIN PAKENHAM, Appellee

Appeal from the County Court at Law No. 1 of Fort Bend County.
(Tr. Ct. No. 19-CCV-064653)

After due consideration, the Court grants appellee Kevin Pakenham's motion to dismiss the appeal. Accordingly, the Court dismisses the appeal for want of jurisdiction.

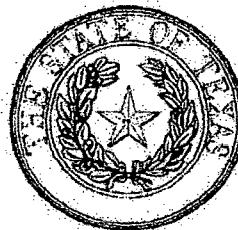
The Court orders that this decision be certified below for observance.

Judgment rendered October 29, 2019.

Per curiam opinion delivered by panel consisting of Justices Kelly, Hightower, and Countiss.

A

Opinion issued October 29, 2019.



In The
Court of Appeals
For The
First District of Texas

NO. 01-19-00572-CV

CAROLYN R. DAWSON, Appellant

V.

KEVIN PAKENHAM, Appellee

**On Appeal from the County Court at Law No. 1
Fort Bend County, Texas
Trial Court Case No. 19-CCV-064653**

MEMORANDUM OPINION

In this forcible-detainer action, appellant, Carolyn R. Dawson, appeals from the trial court's judgment of possession in favor of appellee, Kevin James Pakenham. On September 27, 2019, appellee filed a motion to dismiss appellant's

appeal as moot, stating that appellant vacated the property at issue on August 12, 2019, and that appellee is in possession of the property.

In a forcible-detainer action, “the only issue [is] the right to actual possession of the premises, and the merits of title shall not be adjudicated.” *Wilhelm v. Fed. Nat'l Mortg. Ass'n*, 349 S.W.3d 766, 768–69 (Tex. App.—Houston [14th Dist.] 2011, no pet.) (citing TEX. R. CIV. P. 746; *Marshall v. Hous. Auth. of the City of San Antonio*, 198 S.W.3d 782, 786–87 (Tex. 2006)). An appeal from a forcible-detainer action becomes moot if the appellant is no longer in possession of the property, unless the appellant holds and asserts “a potentially meritorious claim of right to current, actual possession” of the property. *Marshall*, 198 S.W.3d at 787; *see also Wilhelm*, 349 S.W.3d at 768; *Gallien v. Fed. Home Loan Mortg. Corp.*, No. 01-07-00075-CV, 2008 WL 4670465, at *2–4 (Tex. App.—Houston [1st Dist.] Oct. 23, 2008, pet. dism'd w.o.j.); *Jackson v. Wells Fargo Bank, N.A.*, No. 14-19-00303-CV, 2019 WL 3956185, at *2 (Tex. App.—Houston [14th Dist.] Aug. 22, 2019, no pet. h.).

Appellant has not filed a response to appellee’s motion to dismiss. As such, she has failed to assert a potentially meritorious claim of right to current, actual possession of the property. *See Rady v. CitiMortgage, Inc.*, No. 03-11-00734-CV, 2012 WL 753128, at *1 (Tex. App.—Austin March 9, 2012, no pet.); *Holton v. Green Tree Servicing LLC*, No. 13-12-00507-CV, 2013 WL 126219, at *1 (Tex.

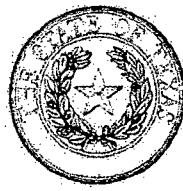
App.—Corpus Christi Jan. 10, 2013, no pet.). Given that appellant is no longer in possession of the premises, and because she has not asserted a potentially meritorious claim of right to current, actual possession, her appeal is moot. *See Wilhelm*, 349 S.W.3d at 769 (citing *Marshall*, 198 S.W.3d at 787; *Gallien*, 2008 WL 4670465, at *2–4).

Accordingly, we grant appellee's motion and dismiss the appeal as moot. We dismiss all other pending motions as moot.

PER CURIAM

Panel consists of Justices Kelly, Hightower, and Countiss.

APPENDIX B



**COURT OF APPEALS FOR THE
FIRST DISTRICT OF TEXAS AT HOUSTON**

ORDER

Appellate case name: Carolyn R. Dawson v. Kevin Pakenham

Appellate case number: 01-19-00572-CV

Trial court case number: 19-CCV-064653

Trial court: County Court at Law No. 1 of Fort Bend County

Appellant's motion for rehearing en banc is **DENIED**.

It is so ORDERED.

Judge's signature: /s/ Julie Countiss
Acting for the En Banc Court*

Date: 12/5/2019

* En banc court consists of Chief Justice Radack and Justices Keyes, Lloyd, Kelly, Goodman, Landau, Hightower, and Countiss.

B

APPENDIX C

FILE COPY

RE: Case No. 19-1090
COA #: 01-19-00572-CV
STYLE: DAWSON v. PAKENHAM

DATE: 2/14/2020
TC#: 19-CCV-064653

Today the Supreme Court of Texas denied the petition for review in the above-referenced case.

CAROLYN R. DAWSON

C

APPENDIX D

FILE COPY

D

RE: Case No. 19-1090
COA #: 01-19-00572-CV
STYLE: DAWSON v. PAKENHAM

DATE: 4/24/2020
TC#: 19-CCV-064653

Today the Supreme Court of Texas denied the motion for rehearing of the above-referenced petition for review.

CAROLYN R. DAWSON

* DELIVERED VIA E-MAIL & POSTAL *

**Additional material
from this filing is
available in the
Clerk's Office.**