

**Dismiss and Opinion Filed September 22, 2015**



**In The  
Court of Appeals  
Fifth District of Texas at Dallas**

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**No. 05-15-01111-CV**

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**IN RE BABU S. KALLUVILAYIL, Relator**

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**Original Proceeding from the Criminal District Court No. 1  
Dallas County, Texas  
Trial Court Cause No. F-9100956-H**

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**MEMORANDUM OPINION**

Before Justices Lang-Miers, Stoddart, and Whitehill  
Opinion by Justice Whitehill

Relator filed this petition for writ of mandamus requesting that the Court order the district clerk to transmit his notice of appeal to this Court. The Court has now received the notice of appeal, which has been assigned cause number 05-15-01140-CR. Accordingly, relator's petition for writ of mandamus is moot. *See In re Kellogg Brown & Root, Inc.*, 166 S.W.3d 732, 737 (Tex. 2005) (orig. proceeding) ("A case becomes moot if a controversy ceases to exist between the parties at any stage of the legal proceedings."); *State Bar of Tex. v. Gomez*, 891 S.W.2d 243, 245 (Tex. 1994) (orig. proceeding) (controversy is justiciable if there is real controversy between the parties that will be actually resolved by judicial relief sought); *Dow Chem. Co. v. Garcia*, 909 S.W.2d 503, 505 (Tex. 1995) (orig. proceeding) (court will not issue mandamus if it would be useless or unavailing).

We dismiss the petition.

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/Bill Whitehill/  
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BILL WHITEHILL  
JUSTICE