

Dismissed and Opinion Filed December 7, 2015



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-15-01432-CV

No. 05-15-01433-CV

No. 05-15-01434-CV

No. 05-15-01435-CV

IN RE JASON ALLAN OJENA, Relator

On Appeal from the Criminal District Court No. 5
Dallas County, Texas
Trial Court Cause Nos. F07-58985-L, F07-59105-L, F07-73821-L, F07-59037-L

MEMORANDUM OPINION

Before Justices Francis, Myers, and Schenck
Opinion by Justice Francis

In this petition for writ of mandamus, relator requests that the Court order the trial court to rule on his motion for an evidentiary hearing. By order dated December 3, 2015, the trial court denied relator's motion. Accordingly, the petition for writ of mandamus is now 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) (stating that for controversy to be justiciable, there must be a real controversy between the parties that will be actually resolved by the 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 for want of jurisdiction.

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/Molly Francis/

MOLLY FRANCIS
JUSTICE