

Opinion issued July 26, 2022



In The
Court of Appeals
For The
First District of Texas

NO. 01-22-00382-CV

IN RE PROSPERITY BANK, Relator

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

Relator, Prosperity Bank, has filed a petition for writ of mandamus, asserting that the trial court has failed to rule on two “pending motions for summary judgment within a reasonable time” and failed “to set a scheduling order or reset the case for trial within a reasonable time.”¹ On July 11, 2022, while relator’s

¹ The underlying case is *Charles M. Haden, Jr. and Shelley W. Haden v. Prosperity Bank*, Cause No. 2016-68683, pending in the 165th District Court of Harris County, Texas, the Honorable Ursula A. Hall presiding.

petition for writ of mandamus was pending, a supplemental clerk’s record was filed in this Court, indicating that the trial court had ruled on the complained-of summary-judgment motions and had assigned the case a “preferential[]” trial setting of August 8, 2022.

This Court cannot decide a case that has become moot. *See Heckman v. Williamson Cty.*, 369 S.W.3d 137, 162 (Tex. 2012); *see also In re Salverson*, No. 01-12-00384-CV, 2013 WL 557264, at *1 (Tex. App.—Houston [1st Dist.] Feb. 14, 2013, orig. proceeding) (mem. op.) (“If a proceeding becomes moot, the court must dismiss the proceeding”). Because relator has received the relief requested in its petition for writ of mandamus, the petition is now moot and must be dismissed. *See In re Johnson*, 599 S.W.3d 311, 312 (Tex. App.—Dallas 2020, orig. proceeding); *In re Jackson*, No. 01-12-00020-CV, 2012 WL 405707, at *1 (Tex. App.—Houston [1st Dist.] Feb. 9, 2012, orig. proceeding) (mem. op.) (dismissing mandamus petition as moot after relator received relief requested).

Accordingly, we dismiss the petition for writ of mandamus as moot. Any pending motions are dismissed as moot.

PER CURIAM

Panel consists of Justices Kelly, Countiss, and Rivas-Molloy.