



**IN THE
TENTH COURT OF APPEALS**

**No. 10-18-00116-CR
No. 10-18-00117-CR
No. 10-18-00118-CR**

IN RE ANTHONY LYNN THIBODEAUX

Original Proceeding

MEMORANDUM OPINION

Relator, Anthony Lynn Thibodeaux, filed motions in the trial court relating to post-conviction DNA testing under Article 64.01 of the Texas Code of Criminal Procedure. In each of these three original proceedings with this Court, Thibodeaux makes two complaints against the Respondent trial court judge. Specifically, Thibodeaux complains about 1) the Respondent's failure to address Thibodeaux's motion for the appointment of counsel to pursue DNA testing; and 2) the Respondent's failure to rule on Thibodeaux's pro se motion for forensic testing of DNA. After filing the petitions for writ of mandamus, the Court requested a response. No response was received from the

Respondent or State.

However, Thibodeaux has also filed an appeal in each of these same trial court proceedings. From the clerk's record in the appeals, it appears to the Court that, subsequent to our request for a response in these proceedings, the Respondent ruled on the pending motions, thus rendering these original proceedings moot. If the Respondent has taken actions that address the merits of the above described complaints, the issues are moot and this Court has no jurisdiction to address the merits of the petitions for writ of mandamus filed by Thibodeaux.

Accordingly, we take judicial notice of the clerk's records filed in the direct appeal, and hold that because the trial court has signed orders that address the merits of Thibodeaux's complaints, we have no jurisdiction to proceed in these mandamus proceedings. Therefore, the Court dismisses these mandamus proceedings.

TOM GRAY
Chief Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins
Petitions dismissed
Opinion delivered and filed June 13, 2018
[OT06]

