

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-02-00468-CV

David F. Henges, M.D., Appellant

v.

**Texas Workers= Compensation Commission, Medical Review Division; and
Service Lloyds Insurance Company, Appellees**

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 200TH JUDICIAL DISTRICT
NO. 97-12800, HONORABLE DARLENE BYRNE, JUDGE PRESIDING**

The parties filed a joint motion to dismiss this appeal. The portion of the regulatory provision which this suit sought to challenge has been otherwise eliminated. Therefore, this appeal is moot. This Court lacks jurisdiction when an appeal is moot. *State v. Ruiz Wholesale Co.*, 901 S.W.2d 772, 775 (Tex. App. CAustin 1995, no writ).

The joint motion of the parties is granted, and this appeal is dismissed for want of jurisdiction.

Lee Yeakel, Justice

Before Justices Kidd, B. A. Smith and Yeakel

Dismissed on Joint Motion

Filed: October 10, 2002

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