

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-13-00767-CV**

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**M&M Orthodontics, PA, Appellant**

**v.**

**Christine Ellis; Texas Health and Human Services Commission;  
Dr. Kyle Janek, in his Official Capacity; Rick Gilpin, in his Official Capacity;  
and the Office of the Inspector General, Appellees**

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**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 53RD JUDICIAL DISTRICT  
NO. D-1-GN-13-003259, HONORABLE TIM SULAK, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

Appellees Christine Ellis; Texas Health and Human Services Commission; Dr. Kyle Janek, in his Official Capacity; Rick Gilpin, in his Official Capacity; and the Office of the Inspector General have filed an unopposed motion to dismiss the appeal. The appellees have advised the Court that the underlying administrative action that was pending against appellant M&M Orthodontics in the HHSC Appeals Division has been nonsuited and dismissed, rendering moot the issues raised by M&M Orthodontics in its appeal. *See* Tex. R. App. P. 42.3(a).

We conclude, based on our review of the appellees' motion and the record, that the appeal has become moot. "If a case is or becomes moot, the court must vacate any order or judgment previously issued and dismiss the case for want of jurisdiction." *Heckman v. Williamson Cnty.*, 369 S.W.3d 137, 162 (Tex. 2012). Accordingly, we vacate the trial court's judgment signed

on November 14, 2013, and dismiss this appeal as moot. We also dismiss all other pending motions as moot.

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David Puryear, Justice

Before Justices Puryear, Goodwin, and Field

Vacated and Dismissed for Want of Jurisdiction

Filed: January 30, 2015