



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

EL PASO COUNTY WATER	§	No. 08-16-00231-CV
IMPROVEMENT DISTRICT NO. 1,	§	
		Appeal from
Appellant,	§	County Court at Law No. 6
v.	§	of El Paso County, Texas
COMANCHE TRAIL PIPELINE, LLC,	§	(TC # 2016DCV0255)
Appellee.	§	

MEMORANDUM OPINION

This appeal is from an interlocutory order denying a plea to the jurisdiction. On October 20, 2016, the Court abated the appeal after receiving notice that the underlying case had been removed to federal court. On December 21, 2016, Appellant notified the Court that the parties settled the underlying case and the litigation in the federal court has been dismissed. Appellant also stated that it did not anticipate that any further proceedings would occur with respect to this appeal. We reinstated the appeal and notified the parties that the appeal would be dismissed as moot unless the Court received a response showing why the appeal should continue. No response has been received.

It is well established that a court is prohibited from deciding moot controversies. *National Collegiate Athletic Association v. Jones*, 1 S.W.3d 83, 86 (Tex. 1999). A case is moot if a justiciable controversy ceases to exist at any stage of the legal proceedings, including the

appeal. *In re Kellogg Brown & Root, Inc.*, 166 S.W.3d 732, 737 (Tex. 2005). The settlement of the dispute and the dismissal of the case in federal court rendered this appeal moot. Accordingly, we dismiss the appeal as moot.

January 25, 2017

ANN CRAWFORD McCLURE, Chief Justice

Before McClure, C.J., Rodriguez, and Palafox, JJ.