



In The
Eleventh Court of Appeals

No. 11-22-00183-CV

IN RE ROBERT STEVEN CHILDRESS

Original Mandamus Proceeding

MEMORANDUM OPINION

Relator, Robert Steven Childress, filed this original petition for writ of mandamus requesting we find that Judge Shane Long, the county judge for Palo Pinto County, Texas, has neither set a hearing nor ruled upon Relator's motions regarding the removal of the executrix of his mother's estate. Relator further requests that we order Judge Long to set such motions for a hearing and to rule on the motions.

On October 25, 2022, the underlying proceedings were transferred to the 29th Judicial District Court. *See* TEX. EST. CODE ANN. § 32.003(a)(2) (West 2020) (a county court may transfer contested probate proceedings to a district court in counties with no statutory probate court). Consequently, the Respondent can no

longer provide the relief Relator seeks, and Relator’s petition for a writ of mandamus is now moot. *See In re Kellogg Brown & Root, Inc.*, 166 S.W.3d 732, 737 (Tex. 2005) (orig. proceeding) (“A case becomes moot if a controversy ceases to exist between the parties at any stage of the legal proceedings[.]”). In this regard, mandamus cannot be issued against a new judge for the alleged acts and omissions of a former judge. *See In re Baylor Med. Ctr. at Garland*, 280 S.W.3d 227, 228 (Tex. 2008) (orig. proceeding). We, as does any court, lack jurisdiction to decide a moot controversy. *In re Guardianship of Fairley*, 650 S.W.3d 372, 379 (Tex. 2022).

Accordingly, we dismiss the petition for writ of mandamus for want of jurisdiction.

PER CURIAM

November 3, 2022

Panel consists of: Bailey, C.J.,
Trotter, J., and Williams, J.