

DISMISS and Opinion Filed December 17, 2018



In The  
**Court of Appeals**  
**Fifth District of Texas at Dallas**

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No. 05-18-00241-CV

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**THE STATE OF TEXAS, Appellant**

**V.**

**ENERGY TRANSFER FUEL, LP, Appellee**

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**On Appeal from the County Court at Law No. 6**  
**Collin County, Texas**  
**Trial Court Cause No. 006-00600-2016**

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**MEMORANDUM OPINION**

Before Chief Justice Wright, Justice Evans, and Justice Brown  
Opinion by Chief Justice Wright

We reinstate this appeal. The appeal was abated pending the Court's determination of the State of Texas's mandamus petition concerning the same subject matter of this appeal. By opinion dated November 14, 2018, we conditionally granted mandamus relief and concluded this appeal was moot. *See In re State of Tex.*, No. 05-18-00685-CV, 2018 WL 5961734 \*3, 4 (Tex. App.—Dallas Nov. 14, 2018, orig. proceeding) (mem. op.). Because we do not have jurisdiction over moot controversies, we dismiss the appeal. *See* 42.3(a)(1); *Matthews v. Kountze Indep. Sch. Dist.*, 484 S.W.3d 416, 418 (Tex. 2016).

/Carolyn Wright/  
CAROLYN WRIGHT  
CHIEF JUSTICE



**Court of Appeals  
Fifth District of Texas at Dallas**

**JUDGMENT**

THE STATE OF TEXAS, Appellant

No. 05-18-00241-CV      V.

ENERGY TRANSFER FUEL, LP,  
Appellee

On Appeal from the County Court at Law  
No. 6, Collin County, Texas

Trial Court Cause No. 006-00600-2016.

Opinion delivered by Chief Justice Wright.

Justices Evans and Brown participating.

In accordance with this Court's opinion of this date, we **DISMISS** the appeal.

We **ORDER** appellee Energy Transfer Fuel, LP recover its costs, if any, of this appeal from appellant the State of Texas.

Judgment entered December 17, 2018.