

DISMISS and Opinion Filed December 18, 2018



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

No. 05-18-00264-CV

**THE STATE OF TEXAS, Appellant
V.
ENERGY TRANSFER FUEL, LP, Appellee**

**On Appeal from the County Court at Law No. 6
Collin County, Texas
Trial Court Cause No. 006-00545-2016**

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 seeking to have the judgment challenged in this appeal, as well as another judgment and other orders, vacated as void. By opinion dated November 14, 2018, we conditionally granted mandamus relief. *See In re State of Tex.*, No. 05-18-00686-CV, 2018 WL 5961735 *1 (Tex. App.—Dallas Nov. 14, 2018, orig. proceeding) (mem. op.). Our disposition of the mandamus petition moots this appeal as no live controversy remains. *Matthews v. Kountze Indep. Sch. Dist.*, 484 S.W.3d 416, 418 (Tex. 2016). Because we do not have jurisdiction over moot controversies, we dismiss the appeal. *See* 42.3(a)(1); *Matthews*, 484 S.W.3d at 418.

/Carolyn Wright/
CAROLYN WRIGHT
CHIEF JUSTICE



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

JUDGMENT

THE STATE OF TEXAS, Appellant

No. 05-18-00264-CV V.

ENERGY TRANSFER FUEL, LP,
Appellee

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

Trial Court Cause No. 006-00545-2016.

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

Judgment entered December 18, 2018.