

DISMISS and Opinion Filed September 21, 2020



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

No. 05-19-01423-CV

IN RE CALIBER HOME LOANS, INC., Relator

**Original Proceeding from the 95th District Court
Dallas County, Texas
Trial Court Cause No. DC-19-08719**

MEMORANDUM OPINION

Before Justices Myers, Molberg, and Nowell
Opinion by Justice Nowell

Relator filed a petition for mandamus seeking a writ regarding the trial court's October 31, 2019 order compelling all parties to participate in non-binding arbitration. After signing the order, respondent judge, the Honorable David Evans, ceased to hold office as the presiding judge of the 95th Judicial District Court of Dallas County. As required by rule 7.2 of the appellate rules, we stayed the proceeding below and abated this case to allow the successor judge to reconsider the original judge's decision. On August 25, 2020 we received the successor judge's order reconsidering and withdrawing the October 31, 2019 order.

Because the now rescinded October 31, 2019 order was the subject of relator's petition, we questioned our jurisdiction. *See Heckman v. Williamson Cty.*, 369 S.W.3d 137, 162 (Tex. 2012) (court lacks jurisdiction over case that has become moot). In response to our inquiry, on September 15, 2020, relator filed a letter stating it also deemed this proceeding moot. Accordingly, we **LIFT** the stay imposed on the proceedings below and **DISMISS** this proceeding.

/Erin A. Nowell/

ERIN A. NOWELL
JUSTICE

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