

**DISMISS and Opinion Filed October 6, 2020**



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

**No. 05-20-00627-CV  
No. 05-20-00628-CV**

**IN RE GBENGA M. FUNMILAYO, Relator**

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**Original Proceedings from the County Court at Law No. 7  
Collin County, Texas  
Trial Court Cause No. 007-02520-2019 & 007-01076-2020**

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**MEMORANDUM OPINION**

**Before Chief Justice Burns, Justice Osborne, and Justice Reichel  
Opinion by Chief Justice Burns**

In these original proceedings, relator Gbenga M. Funmilayo seeks a writ of mandamus compelling the trial court (1) to approve or otherwise determine the sufficiency of the cash deposit in lieu of supersedeas bond he provided, and (2) to set his motion to dissolve the writ of garnishment for a hearing. By order dated September 1, 2020, we requested a response. Both real party and respondent filed responses informing the Court that the matter had been set for a hearing, and as a result, these original proceedings are moot.

When, as here, a court cannot take any action that can effect the requested relief, and thus the order will have no practical result, the court should dismiss the petition for writ of mandamus as moot. *See Dow Chem. Co. v Garcia*, 909 S.W.2d 503, 505 (Tex. 1995) (directing trial courts to vacate severance orders would have no effect, thus, mandamus proceeding was moot); *see also In re Gill*, 2005 WL 120881, \* 1 (Tex. App—Texarkana 2205, orig. proceeding) (because trial court set matter for hearing as requested, mandamus relief sought was moot). Because the respondent has set the matter for a hearing, these original proceedings are moot.

Accordingly, we dismiss these original proceedings.

/Robert D. Burns, III/  
ROBERT D. BURNS, III  
CHIEF JUSTICE

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