

Opinion issued September 4, 2008



In The  
**Court of Appeals**  
For The  
**First District of Texas**

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NO. 01-08-00475-CV

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IN RE MICHAEL C. SCALLY, M.D., Relator

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**Original Proceeding On Petition For Writ Of Mandamus And Writ of  
Prohibition**

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**MEMORANDUM OPINION**<sup>1</sup>

By petition for writ of mandamus and writ of prohibition, relator, Michael C. Scally, seeks relief to vacate the trial court's June 4, 2008 order, claiming that the trial

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<sup>1</sup> The underlying case is *In the Interest of Michael B. Scally, Brett D. Scally and Brittany N. Scally, Minor Children*, Cause No. 1990-01012, in the 312th Judicial District Court of Harris County, Texas, the Hon. David Farr, presiding.

court lacked jurisdiction to revive a cause that Scally contends had been dismissed.

We **deny** the petition for writ of mandamus and writ of prohibition. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 205–06 (Tex.2001). We overrule all pending motions as moot.

**Per Curiam**

Panel consists of Justices Nuchia, Alcalá, and Hanks.