

Opinion issued January 6, 2011



In The
Court of Appeals
For The
First District of Texas

NO. 01-10-00842-CV

IN RE MARY F. MASTERSON, Relator

Original Proceeding on Petition for Writ of Mandamus¹

MEMORANDUM OPINION

On October 8, 2010, relator Mary F. Masterson filed a petition for a writ of mandamus complaining of the Honorable Pat Shelton's June 28, 2010 temporary orders appointing the Department of Family and Protective Services as temporary managing conservator of Masterson's son. On October 14, 2010, the Honorable

¹ The Honorable Lisa Burkhalter, assigned judge of the 313th District Court of Harris County, Texas. The underlying lawsuit is *In re Masterson*, No. 2010-04416J (313th Dist. Ct., Harris County, Texas).

Olen Underwood, presiding judge of the Second Administrative Judicial Region, granted a motion to recuse Judge Shelton. *See* TEX. R. CIV. P. 18a. On October 18, 2010, Judge Underwood assigned the Honorable Lisa Burkhalter to hear and dispose of the underlying case.

Pursuant to Texas Rule of Appellate Procedure 7.2, Judge Burkhalter was substituted for Judge Shelton as the respondent and the case was abated to allow Judge Burkhalter to reconsider Judge Shelton's decision that is the basis for this original proceeding. On December 16, 2010, Judge Burkhalter removed the Department as temporary managing conservator, returned the child to Masterson, and dismissed the underlying case. On December 28, 2010, this Court reinstated the original proceeding.

We dismiss the petition for a writ of mandamus as moot.

PER CURIAM

Panel consists of Justices Keyes, Higley, and Bland.