

Opinion issued September 4, 2014



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

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NO. 01-14-00435-CV

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**IN RE WILLIAM BLATTY, JR., AND BROOKE HUMPHRIES, Relators**

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**On Appeal from the 129th District Court  
Harris County, Texas  
Trial Court Cause No. 2012-39560**

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**MEMORANDUM OPINION**

On May 29, 2014, relators, William Blatty, Jr. and Brooke Humphries, filed a petition for writ of mandamus seeking relief from the trial court's May 12, 2014

order denying relators' request for leave to file an amended answer.<sup>1</sup> On August 1, 2014, the trial court filed a letter in this Court containing its August 1, 2014 order vacating its May 12, 2014 order and granting relators leave to amend their answer, which appears to have rendered this petition moot.

On August 7, 2014, the Clerk of this Court issued a Notice that this Court might dismiss this petition for want of jurisdiction unless relators filed a response within 10 days of the Notice explaining how this Court had jurisdiction over this original proceeding. Relators did not timely respond to the Notice.

Accordingly, the petition is dismissed as moot for want of jurisdiction. *See In re Sierra Club*, 420 S.W.3d 153, 156–57 (Tex. App.—El Paso 2012, orig. proceeding); *see also Tex. A&M Univ.—Kingsville v. Yarbrough*, 347 S.W.3d 289, 290–91 (Tex. 2011); *cf.* TEX. R. APP. P. 42.3(a), (c).

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

### **PER CURIAM**

Panel consists of Chief Justice Radack and Justices Jennings and Keyes.

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<sup>1</sup> The underlying case is *HY Travis, LLC v. Barcadia Bar & Grill—Houston, LLC, et al.*, Cause No. 2012-39560, in the 129th District Court of Harris County, Texas, the Honorable Michael Gomez presiding.