

Opinion issued November 3, 2016



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

NO. 01-16-00229-CV

NO. 01-16-00230-CV

IN RE B.M., Relator

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

We withdraw our opinions of August 4, 2016, and issue the following opinion in their stead.

Relator, B.M., has filed a petition for a writ of mandamus, seeking to vacate a “Temporary Order Following Adversary Hearing” in the underlying trial court proceedings in which real party in interest, Texas Department of Family and

Protective Services (“DFPS”), filed suits for protection of relator’s children.¹ The trial court subsequently signed, in each proceeding, an “Amended Order for Partial Nonsuit as to Texas Department of Family and Protective Services Only.” By these orders, the trial court granted DFPS a nonsuit of “all of its claims,” dismissed DFPS’s suits, and vacated “the order appointing the DFPS as the temporary managing conservator of the children.” Accordingly, relator’s petition is moot. *See In re Becker*, No. 01-10-00917-CV, 2011 WL 1588520, at *1 (Tex. App.—Houston [1st Dist.] Apr. 21, 2011, orig. proceeding) (citing *In re Campbell*, 106 S.W.3d 788, 788 (Tex. App.—Texarkana 2003, orig. proceeding)); *see also In re Kellogg Brown & Root, Inc.*, 166 S.W.3d 732, 737 (Tex. 2005) (citations omitted) (orig. proceeding) (“A case becomes moot if a controversy ceases to exist between the parties at any stage of the legal proceedings . . .”).

We dismiss the petition, and relator’s motion for rehearing and en banc reconsideration as moot.

PER CURIAM

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

¹ The proceeding underlying Cause No. 01-16-00229-CV is Case No. 2008-03683, *In the Interest of J.L.F. and G.W.F., Children*, in the 311th District Court of Harris County, the Honorable Alicia Franklin York presiding. The proceeding underlying Cause No. 01-16-00230-CV is Case No. 2015-42486, *In the Interest of G.J.H. aka G.J.R.*, in the 311th District Court of Harris County, the Honorable Alicia Franklin York presiding.