

Opinion issued November 9, 2017



In The
Court of Appeals
For The
First District of Texas

NO. 01-17-00786-CV

KLEIN INDEPENDENT SCHOOL DISTRICT, Appellant

V.

**THOMAS RICE, JR. AND BETSY RICE, INDIVIDUALLY AND AS NEXT
FRIEND OF PATRICK R., A MINOR, Appellees**

**On Appeal from the 11th District Court
Harris County, Texas
Trial Court Case No. 2017-67145**

MEMORANDUM OPINION

Appellant, Klein Independent School District (“KISD”), appealed from the trial court’s interlocutory order, signed on October 11, 2017, granting a temporary restraining order against KISD. *See* TEX. R. APP. P. 26.1(b). On October 30, 2017, appellant filed an unopposed motion to dismiss this appeal for want of jurisdiction,

contending that this appeal was rendered moot after the appellees filed a notice of nonsuit in the trial court. *See* TEX. R. APP. P. 10.1(a)(5), 10.3(a)(2), 42.1(a)(1). KISD attached the appellees' notice of nonsuit, which was filed on October 30, 2017, noting that the parties had settled the matter and there were no affirmative claims for relief by KISD. *See* TEX. R. CIV. P. 162.

“A nonsuit ‘renders the merits of the nonsuited case moot.’” *RSL–3B–IL, Ltd. v. The Prudential Ins. Co. of Am.*, No. 01-13-00933-CV, 2014 WL 3107663, at *3 (Tex. App.—Houston [1st Dist.] July 8, 2014, pet. dismiss'd) (quoting *Travelers Ins. v. Joachim*, 315 S.W.3d 860, 862 (Tex. 2010)). “Appellate courts are prohibited from deciding moot controversies.” *Nat'l Collegiate Athletic Ass'n v. Jones*, 1 S.W.3d 83, 86 (Tex. 1999). Thus, we must dismiss this case because we lack jurisdiction over this appeal after the nonsuit was filed. *See RSL–3B–IL, Ltd.*, 2014 WL 3107663, at *3.

Accordingly, we grant KISD's motion and dismiss the appeal for want of jurisdiction as moot. *See* TEX. R. APP. P. 42.3(a), 43.2(f). We dismiss any other pending motions as moot.

PER CURIAM

Panel consists of Justices Keyes, Brown, and Lloyd.