

Opinion issued November 2, 2021



In The
Court of Appeals
For The
First District of Texas

NO. 01-21-00440-CV

**IN RE GREG ABBOTT, IN HIS OFFICIAL CAPACITY AS GOVERNOR
OF THE STATE OF TEXAS, Relator**

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

Relator, Greg Abbott in his official capacity as Governor of the State of Texas, filed a petition for writ of mandamus challenging a temporary restraining order signed by the district court on August 12, 2021.¹ The temporary restraining order

¹ The underlying case is *County of Fort Bend, Texas v. Greg Abbot, in his official capacity as Governor of Texas*, cause number 21-DCV-286148, pending in the 434th District Court of Fort Bend County, Texas, the Honorable J. Christian Becerra presiding.

subsequently expired by its own terms on August 25, 2021. Because the petition for writ of mandamus challenges a temporary restraining order that is no longer in effect, the petition has been rendered moot. *See In re Cornyn*, 27 S.W.3d 327, 331 n.11 (Tex. App.—Houston [1st Dist.] 2000, orig. proceeding) (“A TRO’s expiration usually renders its challenge moot.”); *In re White*, No. 03-18-00051-CV, 2018 WL 2187845, at *1 (Tex. App.—Austin May 11, 2018, orig. proceeding) (holding that mandamus proceeding challenging temporary restraining order was moot once temporary restraining order was no longer in effect); *see also Hermann Hosp. v. Tran*, 730 S.W.2d 56, 57 (Tex. App.—Houston [14th Dist.] 1987, no writ) (concluding that all issues on appeal regarding temporary restraining order were rendered moot by order’s expiration).

On September 21, 2021, the Clerk of this Court notified relator that the Court may dismiss the mandamus petition as moot unless relator filed a response demonstrating that the proceeding is not moot within ten days of the date of the Court’s notice. Relator did not respond to the Clerk’s notice.

Accordingly, we dismiss the mandamus petition as moot and lift the temporary stay imposed by our August 16, 2021 order.

PER CURIAM

Panel consists of Justices Goodman, Landau, and Countiss.