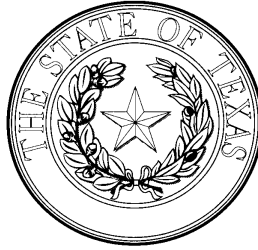


Opinion issued August 25, 2022



In The
Court of Appeals
For The
First District of Texas

NO. 01-21-00247-CV

**IN RE RENE CAMPOS, JIMMY ARNOLD, AND CHRIS ROBERTSON,
Relators**

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

Relators, Rene Campos, Jimmy Arnold, and Chris Robertson, have filed a petition for writ of mandamus challenging the trial court's order granting "Plaintiff's Motion for Limited Discovery to Oppose Defendants' Anti-Slapp Motion to Dismiss and Request for Sanctions" (the "discovery order").¹ In their

¹ The underlying case is *The Cweren Law Firm, PLLC v. 2016 Baytown Ward Rd LLC d/b/a Watermark at Baytown Apartments, 2015 Houston Redford, LLC d/b/a The Redford Apartments, 2013 Houston Maxey, LLC d/b/a Rollingwood Apartments, 2013 Houston Fleming, LLC d/b/a Timber Ridge Apartments, 2013*

petition for writ of mandamus, relators requested that this Court “direct the trial court to vacate its order allowing discovery.”

Because the discovery order was signed by the former trial court judge, this Court abated this original proceeding on September 28, 2021 to allow the successor trial court judge to reconsider the discovery order. *See* TEX. R. APP. P. 7.2(b). On October 20, 2021, the underlying case was transferred to County Civil Court at Law No. 2 of Harris County, Texas. On July 21, 2022, the successor trial court judge granted a motion to reconsider the discovery order and vacated the discovery order. Relators have now filed a motion to dismiss this original proceeding as moot. The certificate of conference states that counsel for real parties in interest did not indicate whether real parties in interest opposed the motion to dismiss. However, more than ten days have passed since the motion to dismiss was filed, and no party has filed a response to the motion. *See* TEX. R. APP. P. 10.3(a).

This Court cannot decide a case that has become moot. *See Heckman v. Williamson County*, 369 S.W.3d 137, 162 (Tex. 2012); *In re Salverson*, No. 01-12-00384-CV, 2013 WL 557264, at *1 (Tex. App.—Houston [1st Dist.] Feb.

Travis Oak Creek, LP d/b/a Lucero Apartment Homes, 2013 Travis Oak Creek GP, LLC, Columbia Housing SLP Corporation, Lucero, LLC, 2015 Houston Gulfton, LLC d/b/a La Estancia Apartments, 2014 Galveston Jones Drive, LLC d/b/a Island Bay Apartments, Eureka Multifamily Group GP, Inc., Eureka Multifamily Group, LP, Rene Campos, Jimmy Arnold, and Chris Roberson, Cause No. 1156293, pending in the County Civil Court at Law No. 2 of Harris County, Texas, the Honorable Jim F. Kovach presiding.

14, 2013, orig. proceeding) (mem. op.). “If a proceeding becomes moot, [we] must dismiss the proceeding” *In re Salverson*, 2013 WL 557264, at *1. Here, the successor trial court judge signed an order vacating the discovery order challenged in the mandamus proceeding. Because relators have received the relief requested in their mandamus petition, “there is no longer a justiciable controversy between the parties that would be resolved by the petition for [writ of] mandamus.” *See id.* at *1–2 (dismissing petition for writ of mandamus as moot where “there [was] no longer a justiciable controversy between the parties that would be resolved by the petition”); *In re Jackson*, No. 01-12-00020-CV, 2012 WL 405707, at *1 (Tex. App.—Houston [1st Dist.] Feb. 9, 2012, orig. proceeding) (mem. op.) (dismissing petition for writ of mandamus as moot because relator “received the relief requested in his mandamus petition”); *see also In re Becker*, No. 01-10-00917-CV, 2011 WL 1588520, at *1 (Tex. App.—Houston [1st Dist.] Apr. 21, 2011, orig. proceeding) (mem. op.) (because “subject orders are no longer in effect, the issues raised in the petition are moot”).

Accordingly, we reinstate this original proceeding on the Court’s active docket, grant relators’ motion to dismiss, and dismiss the petition for writ of mandamus as moot. We dismiss any pending motions as moot.

PER CURIAM

Panel consists of Justices Goodman, Countiss, and Farris.