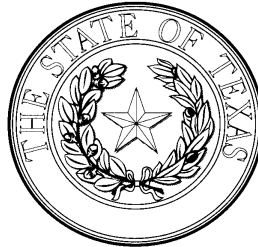


Opinion issued April 26, 2022



In The
Court of Appeals
For The
First District of Texas

NO. 01-21-00316-CV

STEVEN MOODY PH.D, Appellant

V.

**TEXAS BOARD OF PARDONS AND PAROLE DIVISION, ET AL.,
Appellees**

**On Appeal from the 11th District Court
Harris County, Texas
Trial Court Case No. 2020-00034**

MEMORANDUM OPINION

Appellant, Steven Moody, filed a pro se notice of appeal seeking to appeal the trial court's order issued on April 20, 2021 dismissing the underlying case for want of prosecution. The clerk's record, however, contains an order issued by the trial

court on May 24, 2021 vacating its dismissal and reinstating the case. We dismiss the appeal.

The existence of an actual controversy is essential to the exercise of appellate jurisdiction. *See, e.g., Valley Baptist Med. Ctr. v. Gonzalez*, 33 S.W.3d 821, 822 (Tex. 2000). “Appellate courts are prohibited from deciding moot controversies.” *Nat’l Collegiate Athletic Ass’n v. Jones*, 1 S.W.3d 83, 86 (Tex. 1999); *see City of Farmers Branch v. Ramos*, 235 S.W.3d 462, 469 (Tex. App.–Dallas 2007, no pet.) (noting court may only decide issues presenting “a ‘live’ controversy at the time of the decision”). If a controversy ceases to exist or the parties lack a legally cognizable interest in the outcome at any stage, the case becomes moot. *See Allstate Ins. Co. v. Hallman*, 159 S.W.3d 640, 642 (Tex. 2005); *Williams v. Lara*, 52 S.W.3d 171, 184 (Tex. 2001) (noting “a controversy must exist between the parties at every stage of the legal proceedings, including the appeal”). “[C]ourts have an obligation to take into account intervening events that may render a lawsuit moot.” *Heckman v. Williamson Cty.*, 369 S.W.3d 137, 166–67 (Tex. 2012). If a proceeding becomes moot, the court must dismiss the proceeding for lack of jurisdiction. *See id.* at 162.

Here, appellant’s appeal of the April 20, 2021 dismissal order was rendered moot by the trial court’s May 24, 2021 order vacating its dismissal and reinstating the case. The Clerk of this Court notified appellant that this appeal would be dismissed as moot unless appellant filed a response demonstrating the existence of

a live controversy. Appellant did not respond to our notice or otherwise demonstrate the existence of a live controversy as to the appeal.

Accordingly, we dismiss the appeal for lack of jurisdiction. We dismiss any pending motions as moot.

PER CURIAM

Panel consists of Justices Landau, Hightower, and Rivas-Molloy.