

Opinion issued April 18, 2024



In The
Court of Appeals
For The
First District of Texas

NO. 01-23-00662-CV

IN RE YOLTZIN MARIELLA HOLLIBAUGH, Relator

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

Relator Yoltzin Mariella Hollibaugh filed a petition for writ of mandamus challenging a temporary order entered by the trial court on August 25, 2023.¹ The temporary order was entered in a modification suit and prevented relator from moving with the minor child to Mexico. On December 1, 2023, real party in interest David Michael Wise filed a motion to dismiss the mandamus petition as

¹ The underlying case is *In the Interest of [name redacted], A Child*, cause number 2018-00554, pending in the 246th District Court of Harris County, Texas, the Honorable Angela Harrington presiding.

moot. On December 4, 2023, Wise filed an amended motion to dismiss. Wise stated in the motion’s certificate of conference that, after conferring with relator’s counsel, he understood that relator’s counsel and the amicus attorney agree with the motion. No opposition to the motion to dismiss was filed.

A case becomes moot if there is no longer “a justiciable controversy between the parties—that is, if the issues presented are no longer ‘live,’ or if the parties lack a legally cognizable interest in the outcome.” *Heckman v. Williamson Cty.*, 369 S.W.3d 137, 162 (Tex. 2012). “If a proceeding becomes moot, the court must dismiss the proceeding for want of jurisdiction.” *In re Salverson*, No. 01-12-00384-CV, 2013 WL 557264, at *1 (Tex. App.—Houston [1st Dist.] Feb. 14, 2013, orig. proceeding) (citing *Heckman*, 369 S.W.3d at 162)).

Wise states that the trial court held a trial of the underlying case from November 6–8, 2023 and rendered a ruling as shown by the attached docket sheet. Moreover, the Court notes that relator has now filed an appeal from the trial court’s final judgment signed on January 3, 2024.

We grant the motion and dismiss the mandamus petition. Any other pending motions are also dismissed as moot.

PER CURIAM

Panel consists of Justices Kelly, Countiss, and Rivas-Molloy.