

**Petition for Writ of Mandamus and Writ of Prohibition Dismissed as Moot,
Motion to Stay Denied as Moot, and Memorandum Opinion filed
September 25, 2014.**



In The

Fourteenth Court of Appeals

NO. 14-14-00711-CR

NO. 14-14-00712-CR

IN RE KHAI LE, Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS AND WRIT OF PROHIBITION
County Criminal Court at Law No. 13
Harris County, Texas
Trial Court Cause No. 1881713**

MEMORANDUM OPINION

On September 3, 2014, relator Khai Le filed a petition for writ of mandamus and writ of prohibition in this court. *See* Tex. Gov't Code § 22.221; *see also* Tex. R. App. P. 52. In the petition, relator seeks relief by a writ of mandamus to compel the Honorable Don Smyth, presiding judge of the County Criminal Court at Law

Number 13 of Harris County, to vacate a directive issued by the Harris County District Clerk purportedly recalling the entry of an order dismissing the underlying proceedings. Relator further seeks relief by a writ of prohibition to prevent Judge Smyth from taking any additional actions in the underlying proceedings. Also on September 3, 2014, relator filed a motion to stay the underlying proceedings, pending the disposition of her petition by this court.

On September 9, 2014, Judge Smyth signed an order withdrawing the challenged directive. In that order, Judge Smyth further stated that all pleadings and actions taken in the underlying proceedings following the trial court's order dated February 18, 2014 dismissing the case are void for want of jurisdiction. Judge Smyth's September 9 order renders moot relator's request for mandamus and prohibition relief in this court.

Accordingly, we dismiss as moot relator's petition for writ of mandamus and writ of prohibition. We further deny as moot relator's motion to stay the underlying proceedings.

PER CURIAM

Panel consists of Chief Justice Frost and Justices Jamison and Donovan.

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