

Petition for Writ of Mandamus Dismissed and First Amended Petition for Writ of Mandamus Denied and Memorandum Opinion filed August 10, 2021.



In The

Fourteenth Court of Appeals

**NO. 14-20-00865-CV
NO. 14-21-00062-CV**

IN RE CHRISTOPHER DUPUY, Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
333rd District Court
Harris County, Texas
Trial Court Cause No. 2019-89958**

MEMORANDUM OPINION

On December 29, 2020 relator Christopher Dupuy filed a petition for writ of mandamus in this court. *See* Tex. Gov't Code Ann. § 22.221; *see also* Tex. R. App. P. 52. In the petition, which is pending in case number 14-20-00865-CV, relator

asks this court to compel the Honorable Daryl Moore to set aside his December 7, 2020 order denying relator's Rule 91a motion to dismiss and grant the motion.¹

Judge Moore ceased to hold office as judge of the 333rd District Court of Harris County on January 1, 2021. On January 12, 2021, we abated this proceeding to permit Judge Moore's successor, the Honorable Brittanye Morris, to consider the regarding relator's request for relief. *See* Tex. R. App. P.7.2(b). The same day, Judge Morris signed an order denying relator's Rule 91a motion to dismiss. Because Judge Morris signed a new order denying relator's Rule 91a motion to dismiss, relator's request for relief as to Judge Moore's December 7, 2021 order is now moot.

On January 27, 2021, relator filed a second petition for writ of mandamus, asking this court to compel Judge Morris to set aside her January 12, 2021 order denying relator's Rule 91a motion to dismiss and grant the motion. This petition is pending in case number 14-21-00062-CV. Relator filed a first amended petition for writ of mandamus on April 5, 2021, seeking the same relief from Judge Morris's January 12, 2021 order. The first amended petition superseded the original petition in case number 14-21-00062-CV. However, relator's first amended petition did not comply with the Texas Rules of Appellate Procedure because the unsworn declaration was deficient. We issued an order on July 29, 2021, advising relator that his first amended petition would be dismissed unless he cured the deficiency within 10 days of the order. *See* Tex. R. App. P. 52.3(k)(1)(A); 52.7(a)(1). On August 2, 2021, relator filed another first amended petition, which complies with the Rules of Appellate Procedure and supersedes the prior first amended petition filed on April

¹ *See* Tex. R. Civ. P. 91a.

5, 2021. After reviewing the first amended petition filed on August 2, 2021, we conclude that relator has not established that he is entitled to mandamus relief.

Accordingly, we dismiss as moot relator's petition for writ of mandamus in case number 14-20-00865-CV. We deny relator's first amended petition for writ of mandamus filed on August 2, 2021, in case number 14-21-00062-CV.

PER CURIAM

Panel consists of Justices Bourliot, Zimmerer, and Spain.