

**Petition for Writ of Mandamus Dismissed, Motion Denied, and Memorandum Opinion filed October 5, 2021.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-21-00424-CV**

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**IN RE YU ZHOU AND HANG YU, Relators**

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**ORIGINAL PROCEEDING  
WRIT OF MANDAMUS  
151st District Court  
Harris County, Texas  
Trial Court Cause No. 2020-43015**

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**MEMORANDUM OPINION**

On July 29, 2021, relators Yu Zhou and Hang Yu 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, relators ask this Court to compel the Honorable Mike Engelhart, presiding judge of the 151st District Court of Harris County, to vacate two orders: (1) an order dated March 15, 2021, directing Rongyan Lu be deposed remotely by Zoom while she is located in the People's Republic of China; and

(2) an order dated March 15, 2021, denying relators’ second motion to show authority. On August 3, 2021, real party in interest filed a motion to dismiss relators’ petition, arguing that one issue involves a fact finding not reviewable by mandamus and the other issue is moot. On August 6, 2021, relators removed the underlying case from state district court to federal court, where it is now pending in the United States District Court for the Southern District of Texas, Houston Division, civil action no. 4:21-cv-02559.

Once a notice of removal is filed, it “shall effect the removal and the State court shall proceed no further unless and until the case is remanded.” 28 U.S.C. § 1446(d); *see also In re Sw. Bell Tel. Co., L.P.*, 235 S.W.3d 619, 624 (Tex. 2007). Following removal, the federal court has exclusive jurisdiction over the action. *See In re Laza*, No. 12-17-00280-CV, 2018 WL 271833, at \*1 (Tex. App.—Tyler Jan. 3, 2018, orig. proceeding) (mem. op.) (per curiam); *J.P. Morgan Chase Bank, N.A. v. Del Mar Props., L.P.*, 443 S.W.3d 455, 460 (Tex. App.—El Paso 2014, no pet.). Here, relators’ removal to federal court vested that court with exclusive jurisdiction over the case. *See* 28 U.S.C. § 1446(d); *Sw. Bell Tel. Co., L.P.*, 235 S.W.3d at 624; *Laza*, 2018 WL 271833, at \*1; *J.P. Morgan Chase Bank, N.A.*, 443 S.W.3d at 460.

Thus, we lack jurisdiction over this proceeding and relators’ petition for writ of mandamus is **DISMISSED** for want of jurisdiction. We further **ORDER** real party in interest’s motion to dismiss **DENIED** as moot.

PER CURIAM

Panel consists of Justices Wise, Jewell, and Spain.