

**Petition for Writ of Mandamus Dismissed and Memorandum Opinion filed
April 2, 2024.**



In The

Fourteenth Court of Appeals

NO. 14-24-00058-CR

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IN RE BRANDON RAY MORGAN, Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
338th District Court
Harris County, Texas
Trial Court Cause Nos. 1354996 & 1419351**

MEMORANDUM OPINION

On January 24, 2024, relator Brandon Ray Morgan 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, relator asks this Court to compel the Honorable Ramona Franklin, presiding judge of the 338th District Court of Harris County, to

rule on his (1) motion to compel production of the complete litigation packet underlying the testing data; (2) motion for extension of time with brief and exhibit in support; and (3) Covid-19 motion for extension of time with brief and exhibits in support.

Our Court requested the real party in interest to file a response to relator's petition by March 27, 2024. The State timely responded and provided our Court a copy of the trial court's March 20, 2024 order ruling on relator's pending motions.

A petition for a writ of mandamus for failure to rule is dismissed as moot when the trial court rules after the petition for writ of mandamus is filed. *See In re Mem'l Hermann Health Sys*, No. 14-24-00138-CV, 2024 WL 859381, at *1 (Tex. App.—Houston [14th Dist.] Feb. 29, 2024, orig. proceeding) (per curiam) (dismissing petition for writ of mandamus as moot when trial court ruled after petition was filed).

As such, we dismiss relator's petition for writ of mandamus as moot.

PER CURIAM

Panel consists of Chief Justice Christopher and Justices Hassan and Poissant.
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