

**In The**  
***Court of Appeals***  
***Ninth District of Texas at Beaumont***

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**NO. 09-07-448 CV**

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**ENVIRONMENTAL PROCESSING SYSTEMS, L.C., Appellant**

**V.**

**RIO CABEZA, L.C., Appellee**

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**On Appeal from the 75th District Court  
Liberty County, Texas  
Trial Cause No. 73,120**

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**MEMORANDUM OPINION**

Appellant Environmental Processing Systems, L.C. appeals the district court's order conditionally granting a writ of mandamus to compel the justice court to proceed with the forcible detainer action filed by appellee Rio Cabeza, L.C. After receiving appellee's brief, in which appellee suggested that this appeal is moot because the forcible detainer action proceeded to judgment, we questioned our jurisdiction and requested a response from any party desiring to continue the appeal. Appellant filed a response in which it concedes that

the forcible detainer action has proceeded to judgment, but argues that the appeal is not moot because it appealed the order to the County Court at Law. Because the forcible detainer action has proceeded to judgment, we dismiss this appeal as moot. *See Bd. of Adjustment of the City of San Antonio v. Wende*, 92 S.W.3d 424, 427 (Tex. 2002) (A case becomes moot if a controversy ceases to exist.); *Camarena v. Tex. Employment Comm'n*, 754 S.W.2d 149, 151 (Tex. 1988) (A court should only decide cases in which a live controversy exists at the time of the decision.).

APPEAL DISMISSED.

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STEVE McKEITHEN  
Chief Justice

Submitted on July 24, 2008  
Opinion Delivered August 14, 2008

Before McKeithen, C.J., Gaultney and Horton, JJ.