

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-15-00512-CV

Edgar Rodriguez, Appellant

v.

Lynn O. Rodriguez, Appellee

**FROM THE DISTRICT COURT OF HAYS COUNTY, 428TH JUDICIAL DISTRICT
NO. 14-1600, HONORABLE BRENDA K. SMITH, JUDGE PRESIDING**

MEMORANDUM OPINION

PER CURIAM

The Clerk of this Court filed appellant's notice of appeal on August 12, 2015, and the clerk and reporter's records were due on September 8, 2015. On September 14, 2015, the Clerk of this Court sent notice to appellant that the records were overdue and requested that appellant make arrangements for payment and submit a status report on or before September 24, 2015.

Appellant has filed a status report with the Court, requesting that the appeal be continued because a hearing before the district court is scheduled on October 22, 2015, to consider his request for a de novo hearing from the associate judge to the district court. According to appellant, he has contacted the court reporter but the making of the record will be moot if the district court grants his request for a de novo hearing. Appellee also has filed a response to the status report. She contends that appellant's portrayal of the facts is inaccurate, incomplete, or misleading, but she agrees that a hearing is scheduled with the district court for October 22, 2015.

Under these circumstances, the parties and this Court should not be required to expend resources on an appeal that may be rendered moot. Thus, in the interest of conserving judicial resources, we abate this appeal. All appellate deadlines will be tolled during the period of abatement. Absent further order of this Court, this appeal will be automatically reinstated on November 2, 2015. The parties are directed to file either a status report or a motion to dismiss by that date.

Before Justices Puryear, Goodwin, and Bourland

Abated

Filed: October 6, 2015