

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-19-00364-CV**

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**In re Texas State University and Denise Trauth in Her Official Capacity as  
President of Texas State University**

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**ORIGINAL PROCEEDING FROM HAYS COUNTY**

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**MEMORANDUM OPINION**

In this original proceeding, relators Texas State University and Denise Trauth, in her official capacity as President of Texas State University, filed a petition for writ of mandamus seeking relief from a temporary restraining order signed by the district court on May 22, 2019 (the TRO). Relators also filed an emergency motion to stay the TRO pending our disposition of the mandamus petition, and we granted that emergency stay.

Real party in interest Dr. David Wiley has filed a motion to dismiss this mandamus proceeding, informing the Court that the TRO has expired by its own terms and that because the TRO is no longer in force, the mandamus proceeding challenging the TRO is now moot. *See In re White*, No. 03-18-00051-CV, 2018 WL 2187845, at \*1 (Tex. App.—Austin May 11, 2018, orig. proceeding) (holding that mandamus proceeding challenging temporary restraining order was moot once temporary restraining order was no longer in effect); *see also Hermann Hosp. v. Tran*, 730 S.W.2d 56, 57 (Tex. App.—Houston [14th Dist.] 1987, no writ) (concluding that all issues on appeal regarding temporary restraining order were rendered moot

by order's expiration). Relators responded that they agree with Wiley that the expired TRO is no longer effective and that because they no longer have an obligation to comply with its terms, the mandamus proceeding challenging the TRO is moot. *See In re Graham*, No. 03-14-00281-CV, 2014 WL 2522428, at \*1 (Tex. App.—Austin May 27, 2014, orig. proceeding) (dismissing mandamus proceeding as moot when challenged temporary restraining order expired by its own term after this Court granted emergency stay and temporary restraining order had not been continued by parties' agreement or court order). We agree that the TRO's expiration by its own terms renders relators' challenge to the TRO moot, and therefore, we lack jurisdiction to consider it.

Accordingly, we grant the motion and dismiss the petition for writ of mandamus without reaching the merits.

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Gisela D. Triana, Justice

Before Justices Goodwin, Baker, and Triana

Filed: June 27, 2019