



**NUMBERS  
13-15-00218-CV  
& 13-15-00237-CV**

**COURT OF APPEALS  
THIRTEENTH DISTRICT OF TEXAS  
CORPUS CHRISTI – EDINBURG**

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**MARIA DE JESUS GARZA,  
GUILLERMO TORRES AND JOE E. VEGA,  
IN THEIR INDIVIDUAL CAPACITIES,**

**Appellants,**

**v.**

**JUAN JOSE “JJ” ZAMORA, SR.  
AND MARTIN C. CANTU,**

**Appellees.**

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**On appeal from the 444th District Court  
of Cameron County, Texas.**

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**MEMORANDUM OPINION**

**Before Justices Garza, Benavides and Perkes  
Memorandum Opinion Per Curiam**

These interlocutory appeals concern the 2015 removal of appellees, Juan Jose “JJ” Zamora Sr. and Martin C. Cantu, as members of City Commission of Port Isabel,

Texas (the “Commission”). Appellants Maria de Jesus Garza, Guillermo Torres and Joe E. Vega, in their individual capacities, argue that the trial court erred in denying a plea to the jurisdiction and in issuing a temporary injunction.

Appellees have filed a “Notice of Non-Suit” with this Court showing that appellees have non-suited their claims against appellants in the trial court and asking us to “nonsuit” the appeals because “no viable claims remain for review.” We construe this as a motion to dismiss the appeals on mootness grounds.

The mootness doctrine implicates subject matter jurisdiction. See *Trulock v. City of Duncanville*, 277 S.W.3d 920, 923 (Tex. App.—Dallas 2009, no pet.); *City of Shoreacres v. Tex. Comm’n of Env’tl. Quality*, 166 S.W.3d 825, 830 (Tex. App.—Austin 2005, no pet.). Under this doctrine, appellate courts are prohibited from deciding a moot controversy. See *Nat’l Collegiate Athletic Ass’n v. Jones*, 1 S.W.3d 83, 86 (Tex. 1999); *City of Farmers Branch v. Ramos*, 235 S.W.3d 462, 469 (Tex. App.—Dallas 2007, no pet.) (noting that a court may only decide issues presenting “a live controversy at the time of the decision”). If a controversy ceases to exist or the parties lack a legally cognizable interest in the outcome at any stage, the case becomes moot. *Allstate Ins. Co. v. Hallman*, 159 S.W.3d 640, 642 (Tex. 2005); *Williams v. Lara*, 52 S.W.3d 171, 184 (Tex. 2001). “[A] suit can become moot at any time, including on appeal, and . . . courts have an obligation to take into account intervening events that may render a lawsuit moot.” *Heckman v. Williamson Cnty.*, 369 S.W.3d 137, 166–67 (Tex. 2012). If a proceeding becomes moot, the court must dismiss the proceeding for want of jurisdiction. See *id.*

In the underlying case, appellees non-suited their claims against appellants without prejudice on February 18, 2016. This had the effect of extinguishing the temporary

injunction order. See *Gen. Land Office of State of Tex. v. OXY U.S.A., Inc.*, 789 S.W.2d 569, 571 (Tex. 1990) (“As a consequence of the trial court’s granting the nonsuit, the temporary injunction ceased to exist and the appeal became moot.”); see also *In re Freymann*, 13-15-00550-CV, 2016 WL 354617, at \*3 (Tex. App.—Corpus Christi Jan. 22, 2016, orig. proceeding) (mem. op.); *Gutierrez v. Amherst Computer Products Sw., L.P.*, No. 08-04-00005-CV, 2004 WL 1197406, at \*1 (Tex. App.—El Paso May 27, 2004, no pet.) (mem. op.) (“As a consequence of Amherst taking a nonsuit in the underlying case, the temporary injunction at issue in this appeal dissolved automatically without need for a separate order and the appeal became moot.”).<sup>1</sup> Appellees’ non-suit also rendered moot the trial court’s order denying the plea to the jurisdiction. We therefore agree with appellees that both appeals are moot.

The appeals are dismissed for want of jurisdiction. See TEX. R. APP. P. 42.3(a). All pending motions are denied as moot.

DORI CONTRERAS GARZA  
Justice

Delivered and filed the  
28th day of April, 2016.

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<sup>1</sup> The Texas Supreme Court has recognized two exceptions to the mootness doctrine: (1) the capability of repetition yet evading review exception; and, (2) the collateral consequences exception. *Gen. Land Office of State of Tex. v. OXY U.S.A., Inc.*, 789 S.W.2d 569, 571 (Tex. 1990). “The ‘capable of repetition yet evading review’ exception is applied where the challenged act is of such short duration that the appellant cannot obtain review before the issue becomes moot.” *Id.* “The ‘collateral consequences’ exception has been applied when Texas courts have recognized that prejudicial events have occurred whose effects continued to stigmatize helpless or hated individuals long after the unconstitutional judgment had ceased to operate.” *Id.* Neither exception applies here.