



NUMBER 13-20-00247-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

IN THE INTEREST OF S.H., J.H., C.H., AND J.H., CHILDREN

**On appeal from the 105th District Court
of Nueces County, Texas.**

MEMORANDUM OPINION

**Before Justices Benavides, Hinojosa, and Tijerina
Memorandum Opinion by Justice Hinojosa**

On October 29, 2020, we issued a memorandum opinion and judgment in this appeal. The next day, a supplemental clerk's record was filed with this Court showing that the order subject to this appeal was vacated prior to this Court having issued its opinion. On our own motion, we withdraw our earlier opinion and judgment and substitute this opinion and judgment in their stead.

On February 13, 2020, appellant Christopher Wayne Holt filed a statement of inability to pay court costs in the trial court. On June 16, 2020, the trial court signed an

order granting Holt's request for preparation of a reporter's record but denying Holt's "request for indigence relief." The order states, "All fees for transcript must be paid in advance prior to the preparation of said request." Holt timely filed a motion in this Court pursuant to Rule 145(g)(1) of the Texas Rules of Civil Procedure, challenging the trial court's order. See TEX. R. CIV. P. 145(g)(1). Subsequently, on September 21, 2020, the trial court signed an order vacating its June 16, 2020 order.

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.). 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 Cty.*, 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.* We conclude that this appeal became moot when the trial court vacated its June 16, 2020 order. Therefore, we dismiss this appeal for want of jurisdiction. See TEX. R. APP. P. 42.3(a). We further dismiss any other pending motions as moot.

LETICIA HINOJOSA
Justice

Delivered and filed the
12th day of November, 2020.