

**NOS. 12-11-00341-CV
12-11-00342-CV**

**IN THE COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT
TYLER, TEXAS**

IN RE: JERRY PAUL JACKSON §
AND PAULA DIANE JACKSON, § *ORIGINAL PROCEEDING*
RELATORS §

***MEMORANDUM OPINION
PER CURIAM***

Relators Jerry Paul Jackson and Paula Diane Jackson seek an order directing the Honorable Gary H. Gatlin, Presiding Judge of the 1st Judicial District Court of Sabine County, Texas, to vacate his October 5, 2011 order denying Relators' motion for partial summary judgment.

In their summary judgment motion, Relators alleged that the heirship of Buster Jackson had been declared in a judgment signed on February 22, 2011. They alleged further that Janine Hughes, the real party in interest, had subsequently filed a motion for new trial and an original petition asserting that she was Jackson's common law wife. Relators asserted that this was an impermissible attempt to relitigate Jackson's heirship and that Hughes's claim was barred by the doctrine of res judicata. They further alleged that the trial court had no authority to modify the judgment declaring heirship because its plenary power had expired. The trial court denied Relators' motion. Relators then filed these original proceedings along with a motion for temporary relief requesting a stay of the scheduled hearing on Hughes's claim. We overruled the motion for temporary relief.

The hearing proceeded as scheduled, and the trial court denied Hughes's common law marriage claim. The resolution of this claim renders these original proceedings moot. Accordingly, Relators' petitions for writ of mandamus are *dismissed*.

Opinion delivered July 18, 2012.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(PUBLISH)



**COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS
JUDGMENT**

JULY 18, 2012

**NOS. 12-11-00341-CV
12-11-00342-CV**

JERRY PAUL JACKSON AND PAULA DIANE JACKSON,
Relators
v.
HON. GARY H. GATLIN,
Respondent

ORIGINAL PROCEEDING

ON THIS DAY came to be heard the petitions for writ of mandamus filed by **JERRY PAUL JACKSON AND PAULA DIANE JACKSON**, who are the relators in Cause Nos. 12,624 and 12,627, pending on the docket of the 1st Judicial District Court of Sabine County, Texas. Said petitions for writ of mandamus having been filed herein on October 31, 2011, and the same having been duly considered, because it is the opinion of this Court that these original proceedings have been rendered moot, it is therefore **CONSIDERED, ADJUDGED and ORDERED** that the said petitions for writ of mandamus be, and the same are, hereby **DISMISSED**.

*By per curiam opinion.
Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.*