

NO. 12-16-00125-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

*IN RE:* §  
*LEIGH A. HUMPHREYS,* § *ORIGINAL PROCEEDING*  
*RELATOR* §

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*MEMORANDUM OPINION*  
*PER CURIAM*

Relator, Leigh Ann Humphreys, has notified this Court by letter that the underlying proceeding in the trial court has been settled. Along with her letter, Relator provided a copy of opposing counsel's confirmation that the case has been settled and his agreement that this original proceeding may be dismissed. Citing Texas Rule of Appellate Procedure 42.1(a)(2), Relator asks that we dismiss this original proceeding. However, dismissal is not one of the actions authorized by the cited rule. See TEX. R. APP. P. 42.1(a)(2) (specifying three actions appellate court may take when agreement is filed with appellate clerk; dismissal not one of specified actions).

Nevertheless, we conclude that, based on Relator's letter and accompanying documentation, the petition for writ of mandamus is moot. See *In re Kellogg Brown & Root, Inc.*, 166 S.W.3d 732, 737 (Tex. 2005) (orig. proceeding) ("A case becomes moot if a controversy ceases to exist between the parties at any stage of the legal proceedings."). Accordingly, we *dismiss* Relator's petition for writ of mandamus as *moot*.

Opinion delivered July 20, 2016.

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

(PUBLISH)



## COURT OF APPEALS

### TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

#### JUDGMENT

JULY 20, 2016

NO. 12-16-00125-CV

**LEIGH A. HUMPHREYS,**

Relator

V.

**HON. DEBORAH OAKES EVANS,**

Respondent

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#### ORIGINAL PROCEEDING

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ON THIS DAY came to be heard the petition for writ of mandamus filed by **LEIGH A. HUMPHREYS**, who is the Relator in Cause No. 87,12186, pending on the docket of the 87th Judicial District Court of Anderson County, Texas. Said petition for writ of mandamus having been filed herein on April 27, 2016, and the same having been duly considered, because it is the opinion of this Court that the petition for writ of mandamus is moot, it is therefore **CONSIDERED, ADJUDGED and ORDERED** that the said petition for writ of mandamus be, and the same is, hereby **dismissed**. Costs are assessed against the party incurring them.

By *per curiam* opinion.

*Panel consisted of Worthen, C.J., Hoyle, J. and Neeley, J.*