

NO. 12-18-00008-CV
IN THE COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT
TYLER, TEXAS

IN RE: §
SHARAYAH WARR BURCHAM, § *ORIGINAL PROCEEDING*
RELATOR §

MEMORANDUM OPINION
PER CURIAM

On January 19, 2018, Sharayah Warr Burcham, Relator, filed this original proceeding in which she seeks a writ ordering Respondent to conduct a hearing and rule upon her motion to change venue and recuse.¹ She also filed a motion for emergency stay in light of a summary judgment hearing scheduled for January 24.

On January 22, Respondent signed a letter stating that he received the petition, along with a copy of the motion to recuse, and that January 22 is the first time that he was notified of Sharayah’s pending motion. Respondent granted the motion to recuse and cancelled the summary judgment hearing scheduled for January 24. Respondent further directed the district clerk to forward the recusal to the regional presiding judge. On January 23, the regional presiding judge assigned a new judge to the case.

Because Respondent granted the motion to recuse and the regional presiding judge assigned another judge to the case, Respondent is no longer authorized to take any further action in the case, and nothing remains for this Court to review. *See* TEX. R. CIV. P. 18a(f)(2)(A), (g)(7), (j)(1)(B); *see also Mann v. Denton County*, No. 02-13-00217-CV, 2014 WL 5089189, at *1-2 (Tex. App.—Fort Worth Oct. 9, 2014, pet. denied) (mem. op.) (“After a judge is voluntarily or involuntarily recused from a case, the judge generally must not make further orders nor take further action ... [t]ypically, any order signed by a recused judge (or a judge against whom a

¹ Respondent is the Honorable Craig M. Mixon, judge of the 1st District Court of San Augustine County, Texas. The Real Party in Interest is Jeremy David Burcham.

recusal motion is pending) is wholly void and must be set aside[]”). Accordingly, we *dismiss* the petition for writ of mandamus as *moot* and *overrule* the motion for emergency stay as *moot*.²

Opinion delivered January 24, 2018.

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

(PUBLISH)

² After Respondent granted the motion to recuse, Sharayah filed a motion to withdraw her petition. In light of this, opinion, the motion to withdraw is overruled as moot.



COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS
JUDGMENT

JANUARY 24, 2018

NO. 12-18-00008-CV

SHARAYAH WARR BURCHAM,
Relator
V.

HON. CRAIG M. MIXON,
Respondent

ORIGINAL PROCEEDING

ON THIS DAY came to be heard the petition for writ of mandamus filed by Sharayah Warr Burcham; who is the relator in Cause No. DV-14-5422, pending on the docket of the 1st Judicial District Court of San Augustine County, Texas. Said petition for writ of mandamus having been filed herein on January 19, 2018, and the same having been duly considered, because it is the opinion of this Court that the writ should not issue, it is therefore **CONSIDERED, ADJUDGED and ORDERED** that the said petition for writ of mandamus be, and the same is, hereby **dismissed as moot**.

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