

NO. 12-19-00419-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

IN RE: §

DAVID ALLEN RUSSELL, § *ORIGINAL PROCEEDING*

RELATOR §

MEMORANDUM OPINION
PER CURIAM

David Allen Russell, appearing pro se, filed this original proceeding to challenge Respondents' failure to order the Anderson County District Clerk to either release the cause numbers for civil rights complaints that he submitted for filing or to notify him that said complaints have not been filed.¹

The Anderson County District Clerk's Office has on file (1) an application for writ of mandamus filed on November 21, 2019, cause number DCCV19-1433-87,² in which Relator asks Respondent to order the District Clerk to provide information regarding his two civil filings, one against Kimberly Plentl and another against Lorie Davis, LeeAnn Hollis, and Officer Minton, (2) an original complaint filed on August 15, 2019, cause number DCCV19-1204-349,³ David Allen Russell vs. Lorie Davis, Officer Minton, and LeeAnn Hollis, and (3) a declaration of previous filings filed on July 9, 2019, cause number DCCV19-1102-87, David Allen Russell vs. Kimberly Plentl. Accordingly, the record demonstrates that Relator's two complaints have been assigned

¹ Respondents are the Honorable Deborah Oakes Evans, Judge of the 87th District Court in Anderson County, Texas and the Honorable Pam Foster Fletcher, Judge of the 349th District Court in Anderson County. The Real Parties in Interest are Kimberly Plentl, Lorie Davis, LeeAnn Hollis, and Officer Minton.

² "87" signifies the 87th District Court.

³ "349" signifies the 349th District Court.

cause numbers DCCV19-1204-349 and DCCV19-1102-87. Thus, Relator now possesses the information he seeks and there is no longer a live issue for this Court to address. For this reason, we *dismiss* the petition for writ of mandamus as *moot*. *See In re Smith County*, 521 S.W.3d 447, 453 (Tex. App.—Tyler 2017, orig. proceeding) (appellate court will not issue writ of mandamus that will have no practical effect); *see also Reule v. RLZ Inv.*, 411 S.W.3d 31, 32 (Tex. App.—Houston [14th Dist.] 2013, no pet.) (if controversy no longer exists, i.e., issue presented is no longer “live,” case becomes moot); *In re Jackson*, No. 01-12-00020-CV, 2012 WL 405707, at *1 (Tex. App.—Houston [1st Dist.] Feb. 9, 2012, orig. proceeding) (mem. op.) (dismissing mandamus proceeding as moot because relator received relief requested when act he sought to compel, i.e., forwarding notice of appeal to appellate court, had already occurred).

Opinion delivered January 8, 2020.

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

(PUBLISH)



COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS
JUDGMENT

JANUARY 8, 2020

NO. 12-19-00419-CV

DAVID ALLEN RUSSELL,
Relator
V.

HON. DEBORAH OAKES EVANS
HON. PAM FOSTER FLETCHER,
Respondents

ORIGINAL PROCEEDING

ON THIS DAY came to be heard the petition for writ of mandamus filed by David Allen Russell; who is the relator in appellate cause number 12-19-00419-CV and the plaintiff in (1) trial court cause number DCCV19-1204-349, pending on the docket of the 349th Judicial District Court of Anderson County, Texas and (2) trial court cause number DCCV19-1102-87, 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 December 30, 2019, 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.