

DISMISS and Opinion Filed August 27, 2021



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-21-00220-CV

IN RE DAVID BARNES, Relator

**Original Proceeding from the 330th Judicial District Court
Dallas County, Texas
Trial Court Cause No. F-11-11126**

MEMORANDUM OPINION

Before Justices Osborne, Pedersen, III, and Goldstein
Opinion by Justice Goldstein

In this original proceeding, relator asks us to compel the trial court to rule on various pending motions that seek to modify or challenge the possession schedule set by the trial court's December 17, 2020 order after de novo review. Relator also asks us to compel the trial court to vacate the December 17, 2020 order and enter a schedule establishing specific times and conditions for his possession of the children.

After reviewing the petition, real party in interest's response, relator's supplement, and the record before us, we conclude that this original proceeding is moot. Based on the trial court's July 26, 2021 order, the possession schedule set by the December 17, 2020 order is no longer in effect. Accordingly, we dismiss the petition for writ of mandamus as moot. *See Heckman v. Williamson Cty.*, 369 S.W.3d 137, 162 (Tex. 2012) (court lacks jurisdiction over case that has become moot).

Having dismissed the petition, we also deny relator's July 2, 2021 emergency motion for temporary relief and August 13, 2021 supplement to the emergency motion as moot.

/Bonnie Lee Goldstein/
BONNIE LEE GOLDSTEIN
JUSTICE

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