

No. 11-0024

In The Supreme Court of Texas

In the Matter of the Marriage of J.B. and H.B.,

J.B.,

Petitioner,

v.

The State of Texas,

Respondent.

On Petition for Review from the Fifth Court of Appeals at Dallas, Texas
Case No. 05-09-01170-CV

PETITIONER'S MOTION TO DISMISS

Petitioner J.B. files this Motion to Dismiss, respectfully showing the Court as follows:

1. J.B. filed his Petition for Review on February 17, 2011.
2. On August 5, 2011, the Court requested briefs on the merits, which J.B. and the State of Texas subsequently filed.

3. Then on July 3, 2013, the Court requested supplemental briefing following the United States Supreme Court's decisions in *US v. Windsor* and *Hollingsworth v Perry*, which J.B. and the State of Texas subsequently filed.

4. On August 23, 2013, the Court granted J.B.'s Petition for Review.

5. On November 5, 2013, the Court heard oral argument.

6. The Court has not issued an opinion or other order.

7. On April 11, 2015, Henry Buck (H.B.), the respondent in the trial court and spouse of the Petitioner, passed away.

8. The death of H.B. terminated the marriage between J.B. and H.B. as a matter of law, rendering this appeal and the underlying litigation moot.

9. Petitioner J.B. therefore requests that this Motion be granted and that the Court issue judgment (a) vacating the court of appeals' and trial court's decisions, (b) dismissing the case as moot, and (c) ordering costs of court to be paid by each party incurring them. TEX. R. APP. P. 60.2, 60.4.

Respectfully submitted,

By: /s/ James J. Scheske

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Certificate of Service

I hereby certify that a true and correct copy of the foregoing Petitioner's Motion to Dismiss was served on the following counsel for the State of Texas by electronic service:

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