

TEXAS COURT OF APPEALS FOR THE FIRST DISTRICT

In re Yan Z. Zou and James Zou

In re Zou · No. 01-26-00247-CV · Decided May 5, 2026

SUMMARY

The First Court of Appeals of Texas granted relators Yan Z. Zou and James Zou’s motion to dismiss their petition for writ of mandamus. The petition challenged trial court orders appointing a receiver and permitting the receiver to sell real property to satisfy an underlying judgment; the court dismissed the proceeding and pending motions as moot.

CASE DETAILS

COURT	Texas Court of Appeals for the First District
WRITING FOR THE COURT	Chief Justice Adams; Justice Guerra; Justice Guiney
JURISDICTION	Texas Court of Appeals for the First District
DECIDED	May 5, 2026
DOCKET	01-26-00247-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Original proceeding on relators' petition for writ of mandamus challenging two trial court orders concerning turnover relief, appointment of a receiver, and the receiver's sale of property.
PRECEDENTIAL VALUE	Published
PARTIES	Yan Z. Zou, James Zou v. State of Texas

TOPICS

- writ of certiorari
- appellate procedure
- civil procedure
- remedies
- real estate

PRACTICE AREAS

- appellate procedure
- civil procedure
- remedies
- real estate

QUESTIONS PRESENTED

- Whether the relators' motion to dismiss the pending original mandamus proceeding should be granted.
- Whether pending motions should be dismissed as moot following dismissal of the mandamus petition.

HOLDINGS

1. The court granted the relators' motion and dismissed their petition for writ of mandamus.
2. Any pending motions were dismissed as moot after dismissal of the mandamus petition.

KEY QUOTATIONS

“We grant relators’ motion and dismiss relators’ petition for writ of mandamus. We dismiss any pending motions as moot.” (at 2)

FACTUAL BACKGROUND

The underlying trial court judgment led to an order of turnover and appointment of a receiver for James Zou. The receiver was subsequently permitted to sell property located at 17827 S. Blue Heron Circle, Montgomery, Texas, to assist in satisfying the judgment. Yan Z. Zou and James Zou sought mandamus relief from those orders but later requested dismissal of their petition.

PROCEDURAL HISTORY

Relators challenged a February 12, 2026 order appointing a receiver and a February 27, 2026 order permitting the receiver to sell property to satisfy an underlying judgment. While the mandamus proceeding was pending, relators moved to dismiss the petition. After more than ten days passed without an opposing response, the court granted the motion and dismissed the proceeding, dismissing pending motions as moot.

DISPOSITION

dismissed

OPINION

PER CURIAM.

Opinion issued May 5, 2026 In The Court of Appeals For The First District of Texas NO. 01-26-00247-CV IN RE YAN Z. ZOU AND JAMES ZOU, Relators Original Proceeding on Petition for Writ of Mandamus MEMORANDUM OPINION Relators, Yan Z. Zou and James Zou, filed a petition for writ of mandamus challenging two trial court orders, including (1) a February 12, 2026 “Order of Turnover and Appointment of Receiver for James Zou” and (2) a February 27, 2026 order permitting real party in interest, Travis Vargo, the court-appointed receiver, to sell property located at 17827 S. Blue Heron Circle, Montgomery, Texas 77316, in connection with his efforts to satisfy the underlying trial court judgment.¹ On April 21, 2026, relators filed a “Motion to Dismiss” their petition for writ of mandamus.

In their motion, relators requested that the “Court dismiss th[e] original proceeding and take no further action.” The motion includes a certificate of conference stating that real party in interest, Todd Garrett, is agreed to the relief requested in the motion, but that relator attempted to confer

with real party in interest, Travis Vargo, and he had not responded to advise relator if he was opposed to dismissal of the original proceeding.

See TEX. R. APP. P. 10.1(a)(5). However, more than ten days have passed, and no party has responded to the motion. See TEX. R. APP. P. 10.3(a)(2). We grant relators' motion and dismiss relators' petition for writ of mandamus.

We dismiss any pending motions as moot. PER CURIAM Panel consists of Chief Justice Adams and Justices Guerra and Guiney. 1 The underlying case is Todd Garrett v. James Zou a/k/a Jian Z. Zou a/k/a James J. Zou a/k/a Jian Zhong Zou a/k/a Jianzhong Zou, Cause No. 2011-75656A, in the 133rd District Court of Harris County, Texas, the Honorable Nicole Perdue presiding.