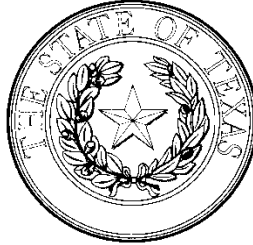


Opinion issued November 21, 2012



In The
Court of Appeals
For The
First District of Texas

NO. 01-12-00633-CV

IN RE DERNICK RESOURCES, INC., Relator

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

Relator, Dernick Resources, Inc. (“Dernick”), petitioned for writ of mandamus arguing that the trial court has failed to conform to our mandate issued as a result of the parties’ previous appeal. *See Dernick Resources, Inc. v. Wilstein,*

312 S.W.3d 864 (Tex. App.—Houston [1st Dist.] 2009, no pet.). Dernick asks that we vacate the trial court’s June 18, 2012 order.¹

We deny the petition for writ of mandamus. Any pending motions are dismissed as moot.

PER CURIAM

Panel consists of Justices Keyes, Bland, and Brown.

¹ The underlying case is *Wilstein et al. v. Dernick Resources, Inc., et al.*, No. 2002-31310 (164th Dist. Ct., Harris Cnty., Tex.), the Honorable Alexandra Smoots-Hogan, presiding.