

*Court Of Appeals*  
*Fourth Court of Appeals District of Texas*  
*San Antonio*



**MEMORANDUM OPINION**

No. 04-08-00878-CV

**IN RE John TORRES**

Original Mandamus Proceeding<sup>1</sup>

PER CURIAM

Sitting: Catherine Stone, Justice  
Phylis J. Speedlin, Justice  
Rebecca Simmons, Justice

Delivered and Filed: December 17, 2008

PETITION FOR WRIT OF MANDAMUS DENIED

On December 3, 2008, relator filed a petition for writ of mandamus.<sup>2</sup> The court has considered relator's petition and is of the opinion that relator is not entitled to the relief sought. Accordingly, relator's petition for writ of mandamus is denied. *See* TEX. R. APP. P. 52.8(a).

PER CURIAM

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<sup>1</sup> This proceeding arises out of Cause No. 2008-CI-03519, styled *In the Matter of the Marriage of Jennifer Torres and John Torres and In the Interest of J.T. III, J.T., and J.T., Children*, pending in the 73rd Judicial District Court, Bexar County, Texas.

<sup>2</sup> Torres's original proceeding relates to the trial court's purported failure to rule on his motion to provide testimony at his divorce proceeding. Although Torres labeled his original proceeding as a petition for writ of habeas corpus — a procedural vehicle not applicable to the underlying civil matter — we construe Torres's filing as a petition for writ of mandamus.