

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



MEMORANDUM OPINION

No. 04-10-00458-CV

IN RE Johanna BENAVIDES

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Catherine Stone, Chief Justice
Rebecca Simmons, Justice
Marialyn Barnard, Justice

Delivered and Filed: August 11, 2010

PETITION FOR WRIT OF MANDAMUS DENIED

On June 17, 2010, relator Johanna Benavides filed a petition for writ of mandamus, seeking to set aside the trial court's March 1, 2010 Order for Temporary Orders Pending Appeal. Relator complains the trial court improperly granted temporary orders pending the appeal in Cause No. 04-10-00438-CV that was filed by real party in interest Edward Benavides. However, on July 14, 2010, this court dismissed the appeal in Cause No. 04-10-00438-CV. Therefore, the petition for writ of

¹[□](#) This proceeding arises out of Cause No. 2008CI11998, styled *In the Matter of the Marriage of Johanna Benavides Petitioner and Edward Reyna Benavides Respondent and In the Interest of A.E.B., A Child*, pending in the 45th Judicial District Court, Bexar County, Texas, the Honorable Barbara Hanson Neller-moe presiding. However, the order complained of was signed by the Honorable Peter Sakai, presiding judge of the 225th Judicial District Court, Bexar County, Texas.

mandamus is now moot. Accordingly, the petition for writ of mandamus is **DENIED AS MOOT**.

See TEX. R. APP. P. 52.8(a).

PER CURIAM