



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-17-00079-CV

IN RE TROY CONSTRUCTION, LLC, AND JOHNATHAN CUNNINGHAM

Original Mandamus Proceeding

Before Morriss, C.J., Moseley and Burgess, JJ.
Memorandum Opinion by Justice Burgess

MEMORANDUM OPINION

Relators Troy Construction, LLC, and Johnathan Cunningham filed a petition for a writ of mandamus asking this Court to compel Judge Robert Rolston of the 276th Judicial District Court of Titus County to vacate certain discovery orders.

After the petition was filed, the parties apparently reached a settlement of their disputes. Consequently, the Relators filed a motion to dismiss their mandamus petition.

“In accordance with Rule 52.8 of the Texas Rules of Appellate Procedure, an appellate court must either grant or deny the requested relief.” *In re Marvin Laverl Edwards*, No. 06-12-00015-CV, 2012 WL 390021, at *1 (Tex. App.—Texarkana Feb. 8, 2012, orig. proceeding) (mem. op., not designated for publication). “The Rule does not provide for a dismissal of a petition for writ of mandamus.” *Id.* (citing TEX. R. APP. P. 52.8).

Because the parties to this original proceeding have settled their disputes, this proceeding has become moot.

We deny the petition for writ of mandamus.

Ralph K. Burgess
Justice

Date Submitted: August 7, 2017
Date Decided: August 8, 2017