



NUMBER 13-09-00359-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

IN RE: 24R, INC. D/B/A THE BOOT JACK

On Petition for Writ of Mandamus.

MEMORANDUM OPINION

**Before Justices Rodriguez, Garza and Vela
Memorandum Opinion Per Curiam¹**

Relator, 24R, Inc. d/b/a The Boot Jack, filed a petition for writ of mandamus requesting that this Court direct respondent, the Honorable Arnoldo Cantu Jr., presiding judge of County Court at Law No. 5 of Hidalgo County, Texas, to vacate his June 2, 2009 order denying relator's motion to compel arbitration in trial court cause number CL-08-1074-E. On June 26, 2009, we granted relator's motion for an emergency stay of the trial court proceedings and requested a response to the petition from the real party in interest, Frances S. Cabrera. Cabrera filed a response on September 14, 2009.

Having examined and fully considered relator's petition, Cabrera's response thereto, and the other documents on file, this Court is of the opinion that the relator has not shown

¹ See TEX. R. APP. P. 47.4 (distinguishing opinions and memorandum opinions), 52.8(d) ("When denying relief, the court may hand down an opinion but is not required to do so.").

itself entitled to the relief sought and the petition should be denied. Accordingly, relator's petition for writ of mandamus is DENIED. Having denied the petition, we hereby LIFT the emergency stay of proceedings previously imposed by this Court in trial court cause number CL-08-1074-E.

PER CURIAM

Memorandum Opinion delivered and filed
on the 22nd day of September, 2009.