



NUMBER 13-09-00481-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

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IN RE: GABRIEL PALOMO

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On Petition for Writ of Mandamus.

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## MEMORANDUM OPINION

**Before Chief Justice Valdez and Justices Yañez and Benavides  
Memorandum Opinion Per Curiam<sup>1</sup>**

Relator, Gabriel Palomo, filed a petition for writ of mandamus in the above cause on August 21, 2009, through which he complains that the trial court erred in failing to rule on, and grant, his motion for a nunc pro tunc judgment reflecting the time credit to which relator is allegedly entitled. The Court requested a response from the real party in interest, the State of Texas, acting by and through the Criminal District Attorney of Nueces County, Texas.

The real party in interest has now filed an unopposed motion to dismiss this petition

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

for writ of mandamus. According to the motion, the matters in this original proceeding have been resolved and the proceeding has been rendered moot.

The Court, having examined and fully considered the petition for writ of mandamus and the unopposed motion to dismiss, is of the opinion that the parties are entitled to the relief sought. Accordingly, the motion to dismiss is GRANTED, and the petition for writ of mandamus is DISMISSED AS MOOT without reference to the merits thereof.

PER CURIAM

Do not publish. See TEX. R. APP. P. 47.2(b).

Memorandum Opinion delivered and  
filed this 28th day of August, 2009.