



**NUMBER 13-09-00482-CR**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

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**IN RE SERGIO IGNACIO TOVAR, JR.**

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**On Petition for Writ of Mandamus.**

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**MEMORANDUM OPINION**

**Before Justices Rodriguez, Garza, and Vela  
Memorandum Opinion Per Curiam<sup>1</sup>**

Relator, Sergio Ignacio Tovar, Jr., 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 refusing to rule on and grant relator's motion for nunc pro tunc judgment reflecting the time credit to which he is allegedly entitled.

The real party in interest has now filed an unopposed motion to dismiss this petition for writ of mandamus. According to the motion, the matters in this original proceeding have been resolved and this proceeding has been rendered moot.

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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).

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Do not publish.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.