



NUMBER 13-09-00662-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

IN RE FATIH OZCELEBI, M.D.

**On Relator's Petition for Writ of Mandamus
and Emergency Motion for Stay**

MEMORANDUM OPINION

**Before Justices Rodriguez, Garza, and Benavides
Memorandum Opinion Per Curiam**

Relator, Fatih Ozcelebi, M.D., filed a petition for writ of mandamus requesting that this Court direct respondent, the Honorable Jaime J. Palacios, presiding judge of the County Court at Law No. 2 of Hidalgo County, Texas, to set aside his "Order Granting Special Exceptions" dated February 16, 2006, and his "Supplemental Order Compelling Production of Documents and Deposition Appearance and Order Granting Plaintiffs' Motion and Supplemental Motions for Sanctions Against Fatih Ozcelebi" dated January 13, 2009. Relator also filed an "Emergency Motion for Stay" requesting that we order all underlying proceedings stayed until such time as his petition may be fully considered.

On December 11, 2009, we ordered the real parties in interest, K.V. Chowdary, M.D., individually and as representative of Valley Gastroenterology Clinic, P.A., and Valley Gastroenterology Clinic, P.A., to file any response to relator's petition and emergency

motion with this Court on or before December 21, 2009. The real parties in interest filed a response brief on December 22, 2009; however, they did not file any motion for extension of time to file a response brief or any motion for leave to file an untimely response brief. Nevertheless, in our sole discretion, we choose to consider the untimely response filed by the real parties in interest. On January 6, 2010, relator filed a reply brief.

Having reviewed and fully considered relator's petition and motion, the response thereto filed by the real parties in interest, and relator's reply, this Court is of the opinion that relator has not shown himself entitled to the relief sought and that the petition and motion should be denied. Accordingly, relator's petition for writ of mandamus and emergency motion for stay are DENIED.

PER CURIAM

Delivered and filed the
8th day of January, 2010.