



NUMBER 13-10-00268-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

IN RE: CROS MEDRANO

On Petition for Writ of Mandamus.

MEMORANDUM OPINION

**Before Chief Justice Valdez and Justices Benavides and Vela
Memorandum Opinion Per Curiam¹**

Relator, Cros Medrano, filed a petition for writ of mandamus in the above cause on May 5, 2010 through which he sought to compel the trial court to rule on his motion for nunc pro tunc judgment. Relator has now filed an "Unopposed Motion to Dismiss" this original proceeding on grounds that the trial court has already granted the requested relief and the petition for writ of mandamus has been rendered moot.

The Court, having examined and fully considered the petition for writ of mandamus and relator's unopposed motion to dismiss, is of the opinion that the motion to dismiss

¹ 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).

should be granted. See *In re Kellogg Brown & Root, Inc.*, 166 S.W.3d 732, 737 (Tex. 2005) (“A case becomes moot if a controversy ceases to exist between the parties at any stage of the legal proceedings . . .”); *State Bar of Texas v. Gomez*, 891 S.W.2d 243, 245 (Tex. 1994) (stating that, for a controversy to be justiciable, there must be a real controversy between the parties that will be actually resolved by the judicial relief sought). Accordingly, we GRANT the unopposed motion to dismiss and DISMISS the petition for writ of mandamus as moot. See TEX. R. APP. P. 52.8(a).

PER CURIAM

Do not publish.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

Delivered and filed the
28th day of May, 2010.