



NUMBER 13-10-00296-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

IN RE SAN PATRICIO COUNTY, TEXAS

On Petition for Writ of Mandamus.

MEMORANDUM OPINION

**Before Justices Yañez, Rodriguez, and Garza
Per Curiam Memorandum Opinion¹**

Relator, San Patricio County, Texas, filed a petition for writ of mandamus in the above cause on May 20, 2010. On May 27, 2010, the Court entered an order requesting a response to be filed by the real party in interest, Nueces County, Texas, and such response was duly filed on June 7, 2010.

The Court, having examined and fully considered the petition for writ of mandamus and the reply thereto, is of the opinion that relator has not shown itself entitled to the relief sought. *Compare* TEX. CIV. PRAC. & REM. CODE ANN. § 15.015 (Vernon 2002) (“An action

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).

against a county shall be brought in that county.”), *with* TEX. LOC. GOV’T CODE ANN. § 72.009(a) (Vernon 2008) (“A county[’s] . . . suit against an adjacent county to establish the common boundary line . . . must be brought in the district court of a county in an adjoining judicial district whose boundaries are not affected by the suit and whose county seat is closest to the county seat of the county that brings the suit.”). *See In re Adan Volpe Props.*, 306 S.W.3d 369, 376 (Tex. App.—Corpus Christi 2010, orig. proceeding) (“To determine the main purpose of the suit . . . we examine the pleadings and the relief sought.”); *In re Lemons*, 281 S.W.3d 643, 647 (Tex. App.—Tyler 2009, orig. proceeding) (“The nature of the plaintiff’s claim is determined from the relief sought in the plaintiff’s petition.”); *Karagounis v. Bexar County Hosp. Dist.*, 70 S.W.3d 145, 147 (Tex. App.—San Antonio 2001, pet. denied) (“The true nature of a lawsuit depends on the facts alleged in the petition, the rights asserted and the relief sought, and not on the terms used to describe the cause of action.”).

Accordingly, the petition for writ of mandamus is DENIED. *See* TEX. R. APP. P. 52.8(a).

PER CURIAM

Delivered and filed this
11th day of June, 2010.