

NO. 12-11-00020-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

IN RE: ENBRIDGE

§

PIPELINES (EAST TEXAS) L.P.,

§

ORIGINAL PROCEEDING

RELATOR

§

*MEMORANDUM OPINION
PER CURIAM*

On January 19, 2010, Relator Enbridge Pipelines (East Texas) L.P. filed an original mandamus proceeding complaining of the trial judge's failure to either recuse himself or forward Enbridge's motion to recuse to the presiding administrative judge. *See* TEX. R. CIV. P. 18a(c). Enbridge also filed a motion for emergency relief, which was granted.

The trial court subsequently complied with rule 18a(c). Enbridge then filed a motion to withdraw its petition for writ of mandamus and to dissolve this court's order staying the underlying proceedings.¹ The real party in interest, Gilbert Wheeler, Inc., filed a motion requesting sanctions against Enbridge pursuant to Texas Rule of Appellate Procedure 52.11.

After duly considering each motion, we grant Enbridge's motion to dismiss and dissolve the stay, but overrule Wheeler's motion for sanctions. Accordingly, this court's January 19, 2011 *stay is lifted*, and the original proceeding is *dismissed*. All other pending motions are overruled as *moot*.

Opinion delivered January 27 2011.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(PUBLISH)

¹ We construe the portion of Enbridge's motion relating to withdrawal of the petition as a motion to dismiss the original proceeding.