

**NO. 12-13-00182-CV**  
**IN THE COURT OF APPEALS**  
**TWELFTH COURT OF APPEALS DISTRICT**  
**TYLER, TEXAS**

<i>IN RE: MARATHON OIL</i>	§	
<i>(EAST TEXAS) LP,</i>	§	<i>ORIGINAL PROCEEDING</i>
<i>RELATOR</i>	§	

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***MEMORANDUM OPINION***  
***PER CURIAM***

On August 7, 2013, this Court delivered an opinion conditionally granting the petition for writ of mandamus filed by Marathon Oil (East Texas) L.P. That opinion directed Respondent to vacate his order signed on May 17, 2013, denying the motion for continuance filed by Marathon. The opinion also directed Respondent to issue an order granting Marathon's motion and continuing the trial setting for at least sixty days from the date of the order to allow Marathon to conduct discovery. Respondent has issued an order withdrawing his May 17, 2013 order and setting the case for jury trial during the January 2014 term of court. This action constitutes compliance with our opinion and order.

All issues attendant to this original proceeding having been disposed of, this mandamus proceeding has now been rendered moot; therefore, the writ need not issue. Accordingly, this original proceeding is *dismissed as moot*.

Opinion delivered September 11, 2013.

*Panel consisted of Worthen, C.J., Griffith, J., and Bass, Retired J., Twelfth Court of Appeals, sitting by assignment.*

(PUBLISH)



## COURT OF APPEALS

### TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

#### JUDGMENT

SEPTEMBER 11, 2013

NO. 12-13-00182-CV

IN RE: MARATHON OIL (EAST TEXAS) LP,  
Appellant  
V.  
HON. CHARLES R. MITCHELL,  
Appellee

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Appeal from the 273rd Judicial District Court  
of Shelby County, Texas (Tr.Ct.No. 10CV30,899)

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ON THIS DAY came to be heard the petition for writ of mandamus filed by **MARATHON OIL (EAST TEXAS) LP**, who is the relator in Cause No. 10CV30,899, pending on the docket of the 273rd Judicial District Court of Shelby County, Texas. Said petition for writ of mandamus having been filed herein on May 24, 2013, and the same having been duly considered, because it is the opinion of this Court that a writ of mandamus should not issue, it is therefore **CONSIDERED, ADJUDGED and ORDERED** that the said petition for writ of mandamus be, and the same is, hereby **DISMISSED**.

By *per curiam* opinion.

*Panel consisted of Worthen, C.J., Griffith, and J., Bass, Retired J., Twelfth Court of Appeals, sitting by assignment.*