

COURT OF APPEALS  
EIGHTH DISTRICT OF TEXAS  
EL PASO, TEXAS

IN RE: FERNANDO MORALES,

Relator.

§

§

§

§

§

§

No. 08-11-00077-CR

AN ORIGINAL PROCEEDING

IN MANDAMUS

**MEMORANDUM OPINION ON PETITION FOR WRIT OF MANDAMUS**

Relator is imprisoned pursuant to a determinate sentence rendered in a juvenile proceeding. *See In re F.M.*, 238 S.W.3d 837, 838 (Tex.App.--El Paso 2007, pet. denied). On February 28, 2011, he filed a *pro se* petition for writ of mandamus to compel the trial court either to rule or hold an evidentiary hearing on a habeas application. Relator claimed that he filed an application for writ of habeas corpus in the trial court in June 2010 and that the court failed on rule on the application. He provided a copy of a habeas application, dated June 1, 2010, and a copy of a letter requesting a ruling from the trial judge. On March 11, 2011, this Court requested that the Real Party in Interest respond to the petition on or before April 10, 2011. We did not receive a response from the Real Party, but we did receive a notice of appeal in which Relator sought to appeal the denial of his habeas application. We have now received the clerk's record for that appeal. It includes a habeas application dated June 1, 2010, and the trial court's order of March 24, 2011, denying the application.

This Court "may, on affidavit or otherwise, as the court may determine, ascertain the matters of fact that are necessary to the proper exercise of its jurisdiction." TEX.GOV'T CODE ANN.

§ 22.220(c)(West Supp. 2010). We may also take judicial notice of the record in a related case. *See Tello v. Bank One, N.A.*, 218 S.W.3d 109, 113 n.4 (Tex.App.--Houston [14th Dist.] 2007, no pet.). The record for Relator's appeal demonstrates that Relator has received the relief requested in his mandamus petition. Accordingly, the petition for writ of mandamus is dismissed as moot.

June 15, 2011

---

ANN CRAWFORD McCLURE, Justice

Before Chew, C.J., McClure, and Rivera, JJ.

(Do Not Publish)