

DISMISS; and Opinion Filed December 17, 2013.



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-13-01644-CV

IN RE DOMINGO ROBLEDO, Relator

**On Appeal from the 203rd Judicial District Court
Dallas County, Texas
Trial Court Cause No. F90-02087-MP**

MEMORANDUM OPINION

Before Justices FitzGerald, Lang, and Myers
Opinion by Justice FitzGerald

In his petition for writ of mandamus, relator contends the trial court violated a ministerial duty by not ruling on relator's motion for appointment of counsel to pursue his motion for post-conviction DNA testing. Real party the State of Texas responded that the trial court has ruled on relator's motion and appointed counsel in the Dallas County Public Defender's Office to represent relator, rendering the mandamus petition moot. A copy of the trial court's December 5, 2013 order appointing counsel is attached to the State's response. Because the trial court has ruled on relator's motion, the issue presented in relator's petition is moot. *See Dow Chem. Co. v. Garcia*, 909 S.W.2d 503, 505 (Tex. 1995). We dismiss the petition for writ of mandamus.

/Kerry P. FitzGerald/
KERRY P. FITZGERALD
JUSTICE
