

Opinion issued October 15, 2013.



In The
Court of Appeals
For The
First District of Texas

NO. 01-13-00763-CV

IN RE ESTATE OF SAYDA J. HERNANDEZ, Relator

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

Relator, the Estate of Sayda J. Hernandez, filed a petition for writ of mandamus, contending that respondent, the Honorable Michael Landrum, abused his discretion in conducting a hearing on relator's motion to quash depositions without proper notice to relator, and ordering depositions and discovery to proceed

over relator's objections.¹ Relator's counsel subsequently filed a letter in this Court stating that he has decided to withdraw the petition for writ of mandamus. We construe counsel's letter as a motion to dismiss the petition. The letter has been on file with the Court for more than ten days. Neither the real party in interest, Sandpiper Apartments, LP, nor respondent has expressed opposition to withdrawal of the petition for writ of mandamus. *See* TEX. R. APP. P. 10.1(a)(5), 10.3(a)(2).

We grant the motion to dismiss and dismiss the petition for writ of mandamus.

PER CURIAM

Panel consists of Justices Jennings, Sharp, and Brown.

¹ The petition identifies the underlying case as *Omar Castro, as Representative of the Estate of Sayda J. Reyes Hernandez, Deceased, and as Legal Guardian of MOC and JEC, Minor Children, and Miriam Elizabeth Hernandez, Individually and as Next Friend of ACG and MIG, Minor Children v. Sandpiper Apartments, LP*, Cause No. 2011-57667, in the 113th District Court of Harris County, Texas, the Honorable Michael Landrum, presiding.