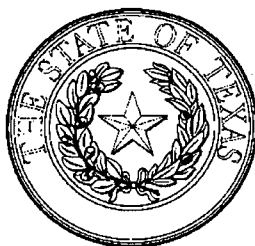


Opinion issued September 18, 2013.



In The
Court of Appeals
For The
First District of Texas

NO. 01-13-00792-CV

IN RE MIRIAM BLANK, Relator

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

Relator, Miriam Blank, has filed a petition for writ of mandamus, contending that respondent, the Honorable Jim York, abused his discretion in appointing Children's Protective Services as temporary managing conservator of relator's children, resetting a permanency hearing or trial date, and denying relator's motion for continuance, in which she asserted that the trial date conflicted

with religious holy days.¹ Relator also has filed an emergency motion to stay the trial court proceedings, including a September 17, 2013 trial. Real party in interest, Jack Nuszen, responded to relator's motion, and filed an emergency motion to dismiss relator's petition and emergency motion.

We deny relator's petition for writ of mandamus in part. We conditionally grant relator's petition as to her issue pertaining to the denial of a continuance based on a conflict with religious holy days. *See generally* TEX. CIV. PRAC. & REM. CODE § 30.005 (West 2008) (providing for continuance of civil action based on religious holy day observed by party or attorney). We direct the trial court to continue the trial in cause no. 2008-51454 on the holy days of Sukkot, September 19 and 20, 2013, and Shmini Atzerat and Simchat Torah, September 26 and 27, 2013; the trial may proceed on other days in the court's discretion. The writ will issue only if the trial court fails to comply.

This Court's order staying trial proceedings in cause no. 2008-51454, issued on September 17, 2013, is vacated. All pending motions are dismissed as moot.

PER CURIAM

Panel consists of Justices Jennings, Sharp, and Brown.

¹ The underlying case is *In the Interest of G.N., H.N., K.N., D.N., and Z.N.*, Cause No. 2008-51454, in the 246th District Court of Harris County, Texas, the Honorable Jim York, presiding.