

Opinion issued April 26, 2016



In The
Court of Appeals
For The
First District of Texas

NO. 01-15-00440-CV

IN RE ERNEST RAY KOONCE, Relator

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

Relator, Ernest Ray Koonce, has filed a petition for writ of mandamus complaining of the trial court's February 17, 2015 order granting a new trial in the underlying proceeding.¹

¹ The underlying case is *Koonce v. Wells Fargo Bank, N.A., as Trustee Under the Pooling and Servicing Agreement dated as of April 1, 2005, Asset Backed Pass-Through Certificates, Series 2005-WHQ2*, cause number 2010-64752, pending in the 127th District Court of Harris County, Texas, the Hon. R.K. Sandhill presiding.

After reviewing relator's petition and supplemental petition for writ of mandamus and the response of the real party in interest, Wells Fargo Bank, N.A., as Trustee Under the Pooling and Servicing Agreement dated as of April 1, 2005, Asset Backed Pass-Through Certificates, Series 2005-WHQ2, we deny the petition for writ of mandamus. *See* TEX. R. APP. P. 52.8(a). Any pending motions are dismissed as moot.

PER CURIAM

Panel consists of Chief Justice Radack and Justices Keyes and Higley.