

Opinion issued September 15, 2016



In The
Court of Appeals
For The
First District of Texas

NO. 01-15-00838-CV

**IN RE CHARLES STORER, AGENT UNDER A POWER OF ATTORNEY
FOR KENNETH COOPER MCAFEE, Relator**

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

Relator, Charles Storer, agent under a power of attorney for Kenneth Cooper McAfee, has filed a motion to dismiss his petition for writ of mandamus.¹ On August 24, 2016, relator filed a motion to dismiss this proceeding because the parties have resolved this matter. Although the motion does not include a

¹ The underlying case is *In re Janet F. McAfee, Deceased; Rosemary Folyne and Jake Folyne v. The GMS Group, LLC and Woodforest National Bank*, cause number 396,935-401, pending in the Probate Court No. 1 of Harris County, Texas, the Honorable Loyd Wright presiding.

certificate of conference, more than ten days have passed and no party has responded to the motion. *See* TEX. R. APP. P. 10.1(a)(5), 10.3(a).

Accordingly, we grant the motion and dismiss relator's petition for writ of mandamus. *Cf.* TEX. R. APP. P. 42.1(a)(1). We dismiss all other pending motions as moot.

PER CURIAM

Panel consists of Justices Higley, Huddle, and Lloyd.