

**Petition for Writ of Mandamus Dismissed and Memorandum Opinion filed
October 13, 2015.**



In The

Fourteenth Court of Appeals

NO. 14-15-00823-CV

IN RE CITY OF ROSENBERG, Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
County Court at Law No 2
Fort Bend County, Texas
Trial Court Cause No. 15-CCV-055144**

MEMORANDUM OPINION

On September 29, 2015, relator City of Rosenberg filed a petition for writ of mandamus in this Court. *See* Tex. Gov't Code Ann. § 22.221 (West 2004); *see also* Tex. R. App. P. 52. In the petition, relator asks this court to compel the Honorable Jeffrey A. McMeans, presiding judge of the County Court at Law No 2 of Fort

Bend County, to set aside his Order Partially Denying the Defendant City of Rosenberg's Motion to Strike and Appointing Replacement Special Commissioner signed on September 18, 2015. Relator argues that this order violated the automatic stay provided by section 51.014(b) of the Texas Civil Practices and Remedies Code because relator previously filed an interlocutory appeal of the trial court's denial of its plea to the jurisdiction. Relator also filed a motion asking this court for an emergency stay of the proceedings below.

On October 13, 2015, in No. 14-15-00745-CV, *City of Rosenberg v. the State of Texas*, this court issued an opinion dismissing the interlocutory appeal because the City's plea to the jurisdiction did not raise a jurisdictional issue. Because relator's petition for writ of mandamus is predicated on this interlocutory appeal that has been dismissed, we likewise dismiss the petition and the emergency motion for stay as moot.

PER CURIAM

Panel consists of Justices Christopher, McCally, and Donovan.