

**Petition for Writ of Mandamus Dismissed as Moot in Part; Denied in Part;
and Opinion filed July 15, 2021.**



In The

Fourteenth Court of Appeals

NO. 14-21-00073-CR

IN RE ANDREW PETE, Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
179th District Court
Harris County, Texas
Trial Court Cause No. 1535047**

MEMORANDUM OPINION

On Monday, February 8, 2021, relator Andrew Pete filed a petition for writ of mandamus in this Court. *See* Tex. Gov't Code Ann. § 22.221; *see also* Tex. R. App. P. 52. In the petition, relator asks this Court to compel the Honorable Ana Martinez, presiding judge of the 179th District Court of Harris County, to rule on motions he filed in the trial court on January 6, 2001. The trial court signed an order ruling on relator's motions, save one, on May 21, 2021.

Because respondent has ruled on relator's pending motions numbered one through five, relator's petition is moot in part and this Court no longer has jurisdiction to grant relief. *See Tex. A&M Univ.–Kingsville v. Yarbrough*, 347 S.W.3d 289, 290–91 (Tex. 2011). Accordingly, relator's petition is dismissed as moot in part.

As to the motion numbered six, the trial court stated, “No ruling at this time. Parties will brief the Court on this issue.” To obtain mandamus relief for the refusal to rule, a relator must establish: (1) the motion was properly filed and has been pending for a reasonable time; (2) the relator requested a ruling on the motion; and (3) the trial court refused to rule. *In re Coleman*, No. 14-12-00159-CR, 2012 WL 681821, at *1 (Tex. App.—Houston [14th Dist.] Mar. 1, 2012) (orig. proceeding). Relator has not established the trial court has refused to rule, only that the trial court has not yet ruled. Accordingly, six relator's petition is denied in part.

PER CURIAM

Panel consists of Chief Justice Christopher and Justices Jewell and Hassan.
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