

Court Of Appeals
Fourth Court of Appeals District of Texas
San Antonio



MEMORANDUM OPINION

No. 04-08-00842-CV

IN RE Leon **JOFFE**

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Alma L. López, Chief Justice
Catherine Stone, Justice
Rebecca Simmons, Justice

Delivered and Filed: December 10, 2008

PETITION FOR WRIT OF MANDAMUS DENIED

Leon Joffe seeks a writ of mandamus directing the presiding County Court judge to issue an order granting his Motion to Suspend Enforcement of Judgment Pending Appeal by Alternative Security in Lieu of Supersedeas Bond. Based on the documents attached to Joffe's petition, the motion was file-stamped on November 14, 2008, and appears to be set for a hearing on December 4, 2008. Although Joffe contends that the failure to immediately rule on his motion will permit the real party in interest to execute on a writ of possession in the underlying lawsuit, a trial court has a reasonable time to consider and rule on a pending motion. *In re Bonds*, 57 S.W.3d 456, 457

¹ This proceeding arises out of Cause No. 341900, styled *Miriam Joffe v. Leon Joffe*, pending in the County Court at Law No. 5, Bexar County, Texas, the Honorable David Rodriguez presiding.

(Tex. App.—San Antonio 2001, orig. proceeding). Accordingly, Joffe’s petition for writ of mandamus and emergency motion are denied.

PER CURIAM