

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

★   ★   ★   ★   ★



**MEMORANDUM OPINION**

No. 04-10-00743-CV

**IN RE Marvin H. WITTE**

Original Mandamus Proceeding<sup>1</sup>

PER CURIAM

Sitting:        Catherine Stone, Chief Justice  
                  Phylis J. Speedlin, Justice  
                  Marialyn Barnard, Justice

Delivered and Filed: October 27, 2010

PETITION FOR WRIT OF MANDAMUS DENIED

On October 18, 2010, relator filed a petition for writ of mandamus and a motion for emergency stay. The court has considered relator's petition for writ of mandamus and is of the opinion that relator is not entitled to the relief sought. Accordingly, the petition for writ of mandamus and the motion for emergency stay are DENIED. *See* TEX. R. APP. P. 52.8(a).

PER CURIAM

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<sup>1</sup> This proceeding arises out of Cause No. 10-05-00086-CVK, styled *Carolyn W. Gardner v. Marvin H. Witte*, pending in the 218th Judicial District Court, Karnes County, Texas, the Honorable Stella Saxon presiding.