



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-21-00397-CR

IN RE Ivan Ruano NAVA, Relator

Original Proceeding¹

PER CURIAM

Sitting: Rebeca C. Martinez, Chief Justice
Luz Elena D. Chapa, Justice
Beth Watkins, Justice

Delivered and Filed: October 6, 2021

PETITION FOR WRIT OF MANDAMUS DISMISSED AS MOOT

On September 21, 2021, relator filed a petition for writ of mandamus asserting the Honorable Enrique Fernandez has failed to set a hearing date for a writ of habeas corpus application filed on September 14, 2021. Relator also filed a motion for leave to file the petition.

We deny as moot relator's motion for leave because leave is not required to file a petition for writ of mandamus in an intermediate appellate court. *See* TEX. R. APP. P. 52.1; *In re Deroven*, No. 04-20-00026-CR, 2020 WL 557071, at *1 (Tex. App.—San Antonio Feb. 5, 2020, no pet.) (not designated for publication).

On September 22, 2021, relator moved to withdraw his petition for writ of mandamus because “the District Court has now set the hearing that was requested in the petition.” Because

¹ This proceeding arises out of Cause No. 10322CR, styled *Ex parte Ivan Ruano Nava*, pending in the 63rd Judicial District Court, Kinney County, Texas, the Honorable Enrique Fernandez presiding.

relator has now obtained the relief requested from the trial court, we also dismiss his petition for writ of mandamus as moot. Finally, we deny relator's motion to withdraw as moot.

PER CURIAM

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