

**In The**  
***Court of Appeals***  
***Ninth District of Texas at Beaumont***

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**NO. 09-16-00288-CV**

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**IN RE STEPHEN A. SMITH**

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**Original Proceeding**  
**284th District Court of Montgomery County, Texas**  
**Trial Cause No. 16-07-07602-CV**

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**MEMORANDUM OPINION**

On August 19, 2016, Stephen A. Smith filed a petition for a writ of mandamus to compel the trial court to vacate an order in trial court cause number 16-07-07602-CV, *Carl Cannon, Lisa Cannon, Mark Atkins, Cathy Atkins, David Cannon, Val Cannon, Chris Gaskill, Cindy Gaskill, Justin Regan, and Shannon Regan v. Stephen A. Smith*. We stayed further proceedings in the trial court, but later lifted the stay to allow the trial court to consider an agreed final judgment.

On August 31, 2016, the relator filed an agreed motion to dismiss this original proceeding on his mandamus petition. The motion is granted. We lift the

stay order previously entered in this proceeding, and we dismiss this original proceeding without reference to the merits and without prejudice.

PETITION DISMISSED.

PER CURIAM

Submitted on September 21, 2016  
Opinion Delivered September 22, 2016

Before McKeithen, C.J., Kreger and Johnson, JJ.