

NO. 07-10-0224-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL B
AUGUST 5, 2010

In re: KENNETH HICKMAN-BEY,

Relator

On Original Proceeding for Writ of Mandamus

Before QUINN, C.J., and CAMPBELL and HANCOCK, JJ.

Pending before the court is the application of Kenneth Hickman-Bey, for a writ of mandamus. He asks us to order the Honorable Ron Enns, 69th District Court, to schedule a hearing and act upon various motions pending in a suit he initiated. The motions include "Plaintiff's Motion for Partial Summary Judgment," and "Plaintiff's Motion for Change of Venue." We dismiss the petition as moot.

On June 22, 2010, we directed Judge Enns to respond to relator's petition for mandamus. On July 14, 2010, Judge Enns filed his response wherein he granted relator's motion for teleconferencing regarding his "unresolved pleadings." A copy of the document evincing the action is attached to this opinion as Exhibit A.

Accordingly, we do not reach the merits of the issues raised, and the petition for writ of mandamus is dismissed as moot. See *In re Duncan*, 62 S.W.3d 333, 334 (Tex. App.—Houston [1st Dist.] 2001, orig. proceeding). This dismissal is without prejudice to

the relator's right to seek a writ of mandamus should unreasonable delay arise in the scheduling of the teleconference and ruling upon the aforesaid motions and pleadings.

Per Curiam



Ron Enns
 DISTRICT JUDGE
 715 Dumas Ave #302
 Dumas, Texas 79029
 Tel: (806) 835-2700
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State of Texas
 69th Judicial District

Shelly Burnett
 OFFICIAL COURT REPORTER
Cathy Burnett
 COURT ADMINISTRATOR
Shelyn Burritt
 COURT ADMINISTRATOR

July 14, 2010

F I L E
JUL 22 2010

SEVENTH COURT OF APPEALS
 PEOPLER'S CLERK

Mr. Kenneth Hickman-Bey #665874
 A.M. Stringfellow Unit
 1200 FM 655
 Rosharon, Texas 77583

Dear Mr. Hickman-Bey

The Court has reviewed the above-referenced matter. It appears that your requests were forwarded to this office and we failed to respond. I apologize if this has caused you any hardship.

It appears that only two Defendants remain in this case: Tamara Alvarez who was served with citation on October 9, 2010, and Jasper Maxey who was served with citation on August 26, 2009. Neither Defendant has filed an answer.

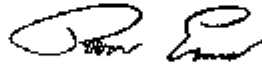
It further appears that you have the following unresolved pleadings on file:

1. Plaintiff's Amended Motion for Partial Summary Judgment dated August 22, 2008;
 2. Plaintiff's First Amended Complaint dated March 14, 2005 and filed on October 2, 2008;
 3. Plaintiff's Motion for Temporary Restraining Order and or Injunction filed on August 6, 2009;
 4. Plaintiff's Motion to Compel Production filed on January 11, 2010;
 5. Plaintiff's Motion for Teleconference filed on January 18, 2010;
- and

6. Plaintiff's Second Motion for Change of Venue

The Court will grant your motion for teleconference. My coordinator will contact the McConnell Unit authorities, make appropriate arrangements, and advise you of the time for the conference call.

Very Truly Yours,



RON ENNS
69th District Judge

RE//shb

xc: Peggy Culp ✓