

NO. 07-10-00317-CV  
IN THE COURT OF APPEALS  
FOR THE SEVENTH DISTRICT OF TEXAS  
AT AMARILLO  
PANEL A  
SEPTEMBER 14, 2010

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IN RE GREGORY BANISTER, RELATOR

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Before CAMPBELL and HANCOCK and PIRTLE, JJ.

**MEMORANDUM OPINION**

Relator Gregory Dean Banister has filed a petition for a writ of mandamus. He seeks an order compelling respondent, the Honorable Felix Klein, to rule on seventeen motions Banister asserts are pending in his habeas corpus proceeding.

In response to our request, Judge Klein has filed a detailed response to Banister's petition. By it, he identifies each of Banister's motions and the corresponding ruling of the court.<sup>1</sup> Accordingly, we do not reach the merits of Banister's issue, and the petition for writ of mandamus is dismissed as moot. *See In re Duncan*, 62 S.W.3d 333,

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<sup>1</sup> The response does not, however, indicate whether the court's rulings were memorialized in an order or orders filed with the district clerk. From his response, we presume that Judge Klein has, or promptly will, sign and file an order or orders expressing the trial court's rulings and provide a copy to relator.

334 (Tex.App.--Houston [1st Dist.] 2001, orig. proceeding) (also dismissing mandamus petition as moot after trial court ruling).

Per Curiam