



**IN THE
TENTH COURT OF APPEALS**

No. 10-09-00262-CV

IN THE INTEREST OF B.S., A CHILD

**From the County Court at Law
Ellis County, Texas
Trial Court No. 76,744**

MEMORANDUM OPINION

Appellants challenged the trial court's oral ruling striking their original petition to be appointed as permanent managing conservators of the child the subject of the suit both by mandamus and by direct appeal. This Court granted mandamus relief. *See In re Cervantes*, 300 S.W.3d 865 (Tex. App.—Waco 2009, orig. proceeding) (op. on reh'g). The parties were notified that, unless a response was filed showing grounds for continuing the appeal, the appeal may be dismissed because: (1) it is moot in light of this Court's mandamus ruling; and (2) the trial court's oral ruling is not an appealable order. *See* TEX. R. APP. P. 42.3(a). The Court has received no response. Accordingly, the appeal is dismissed.

FELIPE REYNA
Justice

Before Chief Justice Gray,
Justice Reyna, and
Justice Davis

(Chief Justice Gray concurs in the judgment only, and only to the extent that it dismisses this proceeding. A separate opinion will not issue.)

Appeal dismissed

Opinion delivered and filed March 3, 2010

[CV06]