



**IN THE  
TENTH COURT OF APPEALS**

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**No. 10-19-00338-CR**

**IN RE MARLIN MAURICE NUTALL**

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**Original Proceeding**

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**MEMORANDUM OPINION**

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The Court has received a document from Marlin Maurice Nutall in which he complains that the trial court has refused to take any action on the pretrial application for writ of habeas corpus that he filed on August 6, 2019. We have determined that Nutall's document is a petition for writ of mandamus seeking to compel the respondent, the Judge of the 272nd District Court of Brazos County, to rule on Nutall's pretrial application for writ of habeas corpus.<sup>1</sup> Since filing his pretrial application for writ of habeas corpus, however, Nutall has been convicted in the underlying action and is no longer subject to

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<sup>1</sup> The petition for writ of mandamus has several procedural deficiencies. *See* TEX. R. APP. P. 52.3. It also lacks a proper proof of service; a copy of all documents presented to the Court must be served on all parties to the proceeding and must contain proof of service. *Id.* at 9.5. Because of our disposition and to expedite it, however, we will implement Rule of Appellate Procedure 2 and suspend these rules in this proceeding. *Id.* at 2.

pretrial confinement. Nutall's pretrial application for writ of habeas corpus is therefore moot. *See Martinez v. State*, 826 S.W.2d 620, 620 (Tex. Crim. App. 1992). Accordingly, Nutall's petition for writ of mandamus is moot and thus dismissed.

REX D. DAVIS  
Justice

Before Chief Justice Gray,  
Justice Davis, and  
Justice Neill

Petition dismissed

Opinion delivered and filed October 9, 2019

Do not publish

[OT06]

