



NUMBER 13-08-00437-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI — EDINBURG

**IN RE IGNACIO VILLARREAL CANTU,
FERNANDO VILLARREAL CANTU, CONSUELO VILLARREAL CANTU,
AND MARTHA GUADALUPE VILLARREAL CANTU**

On Petition for Writ of Mandamus

MEMORANDUM OPINION

**Before Justices Rodriguez, Garza, and Vela
Memorandum Opinion Per Curiam¹**

Relators, Ignacio Villarreal Cantu, Fernando Villarreal Cantu, Consuelo Villarreal Cantu, and Martha Guadalupe Villarreal Cantu, filed a petition for writ of mandamus and motion for emergency temporary relief on July 14, 2008. Through this original proceeding, relators seek to compel the trial court to vacate various orders pertaining to the guardianship of Raquel Cantu de Villarreal, an incapacitated person.

¹ See TEX. R. APP. P. 52.8(d) ("When denying relief, the court may hand down an opinion but is not required to do so."); TEX. R. APP. P. 47.4 (distinguishing opinions and memorandum opinions).

On July 15, 2008, this Court granted the motion for emergency temporary relief and ordered all proceedings in the trial court stayed. The Court further requested that the real parties in interest file a response to the petition for writ of mandamus within ten days. That same day, real parties in interest, Raquel Villarreal, Marcelo Villarreal, and Carlos Villarreal, filed a motion for reconsideration of the stay, which was denied by the Court on July 17, 2008. On July 25, 2008, these same parties filed an "Emergency Motion for Leave to Determine Motion to Disqualify and Remove Guardian and to Compel Deposit of Misapplied Funds to the Trial Court's or this Court's Registry". On July 28, 2008, real parties also filed a motion for extension of time to file their response to the petition for writ of mandamus.²

The Court, having examined and fully considered the petition for writ of mandamus and further pleadings filed herein, is of the opinion that relators have not shown themselves entitled to the relief sought. Accordingly, the stay previously imposed by this Court is LIFTED. See TEX. R. APP. P. 52.10(b) ("Unless vacated or modified, an order granting temporary relief is effective until the case is finally decided."). The emergency motion for leave and the motion for extension of time filed by the real parties in interest, are DISMISSED as moot, as are any other pending motions. The petition for writ of mandamus is DENIED. See TEX. R. APP. P. 52.8(a).

PER CURIAM

Memorandum Opinion delivered and
filed this 30th day of July, 2008.

² This motion for extension of time was mistakenly filed in cause number 13-08-00408, a related appeal in this Court. See *In the Guardianship of Raquel Cantu De Villarreal, an Incapacitated Person*, No. 13-08-00408-CV.