



**NUMBER 13-11-00066-CV**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

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**IN RE: RENE ORTEGA, MARY ORTEGA, ROLANDO ORTEGA,  
AURORA ORTEGA, AND ALBERT ORTEGA**

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**On Petition for Writ of Mandamus.**

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**MEMORANDUM OPINION**

**Before Justices Garza, Benavides, and Vela  
Memorandum Opinion Per Curiam<sup>1</sup>**

Relators, Rene Ortega, Mary Ortega, Rolando Ortega, Aurora Ortega, and Albert Ortega, filed a petition for writ of mandamus and a motion for immediate temporary relief in the above cause on February 3, 2011, seeking to compel the trial court to vacate a summary judgment rendered in favor of the real party in interest, Ricardo

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<sup>1</sup> 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).

Perez.<sup>2</sup> That same day, the Court granted the motion for immediate temporary relief and ordered all proceedings under any writ of possession issued in, or based upon the judgment rendered on October 19, 2010, in County Court at Law Number Four of Hidalgo County in cause number CL-09-1195-D, to be stayed. The Court further requested that Perez, by and through counsel, file a response to the petition for writ of mandamus. On February 7, 2011, Perez filed a motion requesting that this Court reconsider its order granting immediate temporary relief, and on February 10, 2011, Perez filed his response to the petition for writ of mandamus.

The Court, having examined and fully considered the petition for writ of mandamus and the response thereto, 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 petition for writ of mandamus is DENIED. See *id.* 52.8(a). Perez’s motion for reconsideration is DISMISSED as moot.

PER CURIAM

Delivered and filed this  
23rd day of March, 2011.

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<sup>2</sup> Relators also filed an appeal regarding the judgment subject to review in this proceeding, which is currently pending in this Court in *Rene Ortega et al. v. Ricardo Perez, successor in interest to JPO Enterprises, Inc.*, in appellate cause number 13-11-00051-CV.