



NUMBER 13-11-00276-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

IN RE JOHNNY PARTAIN

On Petition for Writ of Mandamus.

MEMORANDUM OPINION

**Before Chief Justice Valdez and Justices Rodriguez and Benavides
Per Curiam Memorandum Opinion¹**

Relator, Johnny Partain, proceeding pro se, filed a petition for writ of mandamus in the above cause on April 29, 2011, seeking to compel the trial court to issue a writ of execution. The Court requested and received a response to the petition for writ of mandamus from the real party in interest, James Maples.

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).

The Court, having examined and fully considered the petition for writ of mandamus and the response thereto, is of the opinion that relator has not shown himself entitled to the relief sought. Accordingly, the petition for writ of mandamus is DENIED. See *id.* 52.8(a). The amended motion to dismiss filed by Maples is DISMISSED as moot.

PER CURIAM

Delivered and filed the
18th day of May, 2011.