



**NUMBER 13-16-00340-CV**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

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**IN RE JAMES ARTHUR DUSSLIERE**

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**On Petition for Writ of Mandamus.**

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**MEMORANDUM OPINION**

**Before Chief Justice Valdez and Justices Garza and Longoria  
Memorandum Opinion Per Curiam<sup>1</sup>**

Relator James Arthur Dussliere filed a petition for writ of mandamus in the above cause contending that the trial court abused its discretion by setting the underlying divorce for final hearing on July 11, 2016 with only twenty days of notice and without first setting a hearing on relator's plea in abatement. See TEX. R. CIV. P. 245. After the trial court set a hearing on relator's plea in abatement, Dussliere subsequently filed a second amended petition for writ of mandamus solely regarding the truncated trial setting. Dussliere has

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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).

now filed a motion to withdraw this original proceeding on grounds that the parties have entered an agreement regarding the matters at issue in this original proceeding.

The Court, having examined and fully considered the second amended petition for writ of mandamus and the motion to withdraw, is of the opinion that the motion to withdraw should be granted. Accordingly, we LIFT the stay previously imposed in this cause, GRANT the motion to withdraw, and DISMISS this original proceeding without reference to the merits. 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.”).

PER CURIAM

Delivered and filed the  
12th day of July, 2016.