



NUMBER 13-17-00573-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

IN RE DANIEL FLORES

On Petition for Writ of Mandamus.

MEMORANDUM OPINION

**Before Chief Justice Valdez and Justices Contreras and Hinojosa
Memorandum Opinion by Justice Hinojosa¹**

Relator Daniel Flores filed a petition for writ of mandamus in the above cause on October 11, 2017 through which he sought to compel the trial court to (1) vacate its order quashing discovery and granting a protective order, and (2) to grant relator's requested discovery. This Court requested that the real parties in interest, Frank A. Mora, Rosa M. Mora, First Vista Investments, LLC, HJC Home Health Care Services, or any others whose interest would be directly affected by the relief sought, file a response to the

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).

petition for writ of mandamus. See TEX. R. APP. P. 52.2, 52.4, 52.8. However, the relator has now filed an unopposed motion to voluntarily dismiss this original proceeding without prejudice. According to relator's motion, the trial court has entered an order which vacates, in part, the order on which this mandamus proceeding is based. Accordingly, relator requests that we dismiss this original proceeding without prejudice.

The Court, having examined and fully considered the unopposed motion to voluntarily dismiss this petition for writ of mandamus, is of the opinion that the motion should be granted. Accordingly, we GRANT the unopposed motion to dismiss and dismiss this original proceeding without prejudice.

LETICIA HINOJOSA
Justice

Delivered and filed the
29th day of November, 2017.