



NUMBER 13-19-00074-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

IN RE AT&T INC., ET AL.

On Petition for Writ of Mandamus.

MEMORANDUM OPINION

**Before Justices Benavides, Longoria, and Hinojosa
Memorandum Opinion by Justice Longoria¹**

Relators, AT&T Inc.; New Cingular Wireless PCS, LLC d/b/a AT&T Mobility, individually and in its capacity as General Partner of McAllen-Edinburg-Mission SMSA Limited Partnership, Texas RSA 18 Limited Partnership, and Texas RSA 19 Limited Partnership; AT&T Mobility Corporation; Cricket Communications, LLC; and Cricket Wireless, LLC, filed a petition for writ of mandamus in the above cause on February 15,

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."); see also *id.* R. 47.4 (distinguishing opinions and memorandum opinions).

2019. Through this original proceeding, relators sought to compel the trial court to vacate and set aside an order compelling the production of allegedly privileged documents. As an initial matter, however, relators sought abatement of this original proceeding pursuant to Texas Rule of Appellate Procedure 7.2(b). *See Tex. R. APP. P. 7.2(b); In re Blevins*, 480 S.W.3d 542, 543 (Tex. 2013) (orig. proceeding) (per curiam). Relators argued that the respondent in this original proceeding, the Honorable Juan Partida, no longer presided over the 275th District Court and this matter should be abated pending consideration of the issues herein by his successor, the Honorable Marla Cuellar. Accordingly, we abated this cause to allow Judge Cuellar, to consider the matters at issue here. *See Tex. R. APP. P. 7.2(b)*. Subsequently, relators notified this Court that the underlying case had been removed to the United States District Court for the Southern District of Texas, McAllen Division, pursuant to 28 U.S.C. § 1441 and 50 U.S.C. § 1885a(g). On March 5, 2020, relators notified this Court that the removal divested “the 275th District Court and this Court of jurisdiction,” and that on February 26, 2020, the United States District Court denied a motion to remand this matter back to the 275th District Court.

The Court, having examined and fully considered the foregoing sequence of events, is of the opinion that this petition for writ of mandamus should be dismissed without regard to the merits. Accordingly, we reinstate this cause, and we dismiss this original proceeding and all relief sought therein without prejudice.

NORA L. LONGORIA
Justice

Delivered and filed the
12th day of March, 2020.