



NUMBER 13-23-00233-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

IN RE CDM CONSTRUCTORS INC. AND CDM SMITH INC.

On Petition for Writ of Mandamus.

MEMORANDUM OPINION

**Before Chief Justice Contreras and Justices Silva and Peña
Memorandum Opinion by Justice Peña¹**

Relators CDM Constructors Inc. and CDM Smith Inc. filed a petition for writ of mandamus asserting that the trial court abused its discretion by denying their motion to dismiss. See TEX. R. CIV. P. 91a. However, relators have now filed an unopposed motion to withdraw this original proceeding as moot. According to their motion, the real party in

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. When granting relief, the court must hand down an opinion as in any other case."); *id.* R. 47.4 (distinguishing opinions and memorandum opinions).

interest, the City of Weslaco, Texas, has nonsuited its claims against relators, and the nonsuit rendered the petition for writ of mandamus moot. Relators thus request that we withdraw their original proceeding as moot.

The Court, having examined and fully considered the petition for writ of mandamus and relators' unopposed motion to withdraw, is of the opinion that this matter has been rendered moot. See *In re Contract Freighters, Inc.*, 646 S.W.3d 810, 813 (Tex. 2022) (orig. proceeding) (per curiam); *Heckman v. Williamson County*, 369 S.W.3d 137, 162 (Tex. 2012); *In re Kellogg Brown & Root, Inc.*, 166 S.W.3d 732, 737 (Tex. 2005) (orig. proceeding). Accordingly, we grant relators' unopposed motion to withdraw, and we dismiss this petition for writ of mandamus as moot.

L. ARON PEÑA JR.
Justice

Delivered and filed on the
31st day of July, 2023.