



NUMBER 13-24-00154-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

IN RE JEANETTE DAIDONE AND WILLIAM ELDON FLORES

ON PETITION FOR WRIT OF MANDAMUS

MEMORANDUM OPINION

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

Relators Jeanette Daidone and William Eldon Flores filed a petition for writ of mandamus asserting that the trial court abused its discretion by transferring venue of the underlying case from Nueces County, Texas, to a state court located in Houston, Texas. However, relators have now filed an unopposed motion to dismiss this original proceeding

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).

because the trial court has rescinded its order transferring the case. Relators thus assert that their petition for writ of mandamus is moot.

The Court, having examined and fully considered the petition for writ of mandamus and the unopposed motion to dismiss, is of the opinion that relators' request for mandamus relief is moot. See *In re Cont. 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 dismiss, and we dismiss this original proceeding as moot.

L. ARON PEÑA JR.
Justice

Delivered and filed on the
21st day of March, 2024.