

NO. 12-06-00349-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

IN RE: NEXION HEALTH AT §
OAK MANOR, INC. d/b/a § ORIGINAL PROCEEDING
OAK MANOR NURSING HOME §

MEMORANDUM OPINION
PER CURIAM

_____ On January 16, 2008, we granted mandamus relief and ordered the trial court to vacate its August 8, 2006 order denying Oak Manor’s motion to dismiss and issue an order granting the motion. *In re Nexion Health at Oak Manor, Inc. d/b/a Oak Manor Nursing Home*, 243 S.W.3d 848, 854 (Tex. App.–Tyler 2008) (consolidated appeal and original proceeding). The trial court complied with our opinion and order, and we dismissed the original proceeding as moot. *See In re Nexion Health at Oak Manor, Inc. d/b/a Oak Manor Nursing Home*, No. 12-06-00349-CV, 2008 WL 186518, at *1 (Tex. App.–Tyler Jan. 23, 2008, orig. proceeding).

By opinion dated November 14, 2008, the Texas Supreme Court granted mandamus relief. *In re Buster*, 52 Tex. Sup. Ct. J. 112, 2008 WL 4891764 (Tex. Nov. 14, 2008), *granting mandamus in In re Nexion Health at Oak Manor, Inc. d/b/a Oak Manor Nursing Home*, 243 S.W.3d 848 (Tex. App.–Tyler 2008). Accordingly, we vacate our original order granting mandamus relief and our order dismissing this proceeding as moot. Oak Manor’s petition for writ of mandamus is *denied*.

Opinion delivered December 12, 2008.
Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(PUBLISH)