

COURT OF APPEALS OF TEXAS, NINTH DISTRICT AT BEAUMONT

In re Stephen A. Smith

In re Smith · No. 09-16-00288-CV · Decided September 22, 2016

SUMMARY

The Ninth District Court of Appeals of Texas considered Stephen A. Smith's petition for a writ of mandamus seeking to compel the trial court to vacate an order. After Smith filed an agreed motion to dismiss, the court lifted its stay and dismissed the original proceeding without reaching the merits and without prejudice.

OPINION

PER CURIAM.

In The Court of Appeals Ninth District of Texas at Beaumont _____ NO. 09-16-00288-CV _____ IN RE STEPHEN A. SMITH

Original Proceeding 284th District Court of Montgomery County, Texas Trial Cause No. 16-07-07602-CV

MEMORANDUM OPINION On August 19, 2016, Stephen A. Smith filed a petition for a writ of mandamus to compel the trial court to vacate an order in trial court cause number 16-07-07602-CV, Carl Cannon, Lisa Cannon, Mark Atkins, Cathy Atkins, David Cannon, Val Cannon, Chris Gaskill, Cindy Gaskill, Justin Regan, and Shannon Regan v. Stephen A. Smith.

We stayed further proceedings in the trial court, but later lifted the stay to allow the trial court to consider an agreed final judgment. On August 31, 2016, the relator filed an agreed motion to dismiss this original proceeding on his mandamus petition.

The motion is granted. We lift the 1 stay order previously entered in this proceeding, and we dismiss this original proceeding without reference to the merits and without prejudice. PETITION DISMISSED. PER CURIAM Submitted on September 21, 2016 Opinion Delivered September 22, 2016 Before McKeithen, C.J., Kreger and Johnson, JJ. 2