

IN THE SUPREME COURT OF TEXAS

NO. 03-0877

IN RE ROGER GERDES, JR.

ON PETITION FOR WRIT OF HABEAS CORPUS

Per Curiam

JUSTICE ENOCH did not participate in the decision.

The relator filed a petition for writ of mandamus in this Court on June 17, 2003. On September 19, 2003, the court of appeals denied the relator's petition for writ of habeas corpus because the petition for writ of mandamus pending in this Court raised similar issues. We denied the petition for writ of mandamus on September 25, 2003. *In re Roger Gerdes, Jr.*, No. 03-0543 (Tex. Sept. 25, 2003). In light of our disposition of the petition for writ of mandamus, we dismiss the petition for writ of habeas corpus without prejudice to allow the court of appeals an opportunity to consider the merits of the relator's petition for writ of habeas corpus.

OPINION DELIVERED: September 29, 2003