NO. _____

IN THE SUPREME COURT OF THE UNITED STATES

PULAK BARUA,

Petitioner

vs

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY,
Respondent

On Petition for Writ of Certiorari to the Eight Court of Appeals of Texas

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PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

The administrative law judge entered a default judgment against Petitioner, who had not received notice of the hearing. The notice of the hearing was mailed to the wrong address. Did the notice given to Petitioner violate his Due Process rights?

PARTIES TO THE PROCEEDINGS

Petitioner: Pulak Barua

Respondent: Texas Commission on Environmental Quality.

There are no proceedings directly related to this case in this Court.

CITATIONS TO OFFICIAL REPORTS

Texas Commission on Environmental Quality v. Barua, 632 S.W.3d 726 (Tex. App.—El Paso 2021).

Texas Commission on Environmental Quality v. Barua, No. 21-0838 (Tex. April 22, 2022).

STATEMENT OF JURISDICTION

The date of the Supreme Court's denial of Petitioner's petition for review is April 22, 2022.

The date of the Eighth Court of Appeals of Texas' opinion is August 21, 2022.

This Court has granted Petitioner an extension of time to file his petition until September 19, 2022. Docket No. 22-A601, July 19, 2022.

Jurisdiction in this Court is sought under 28 U.S.C. 1257.

CONSTITUTIONAL PROVISIONS

The 14th Amendment, Section 1 to the United States Constitution provides:

> No State shall make or enforce any law which shall abridge the privileges or

> immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

STATEMENT OF FACTS

Petitioner previously owned and operated four underground storage tanks (USTs) at a convenience store and gas station in Kaufman, Texas, located at 1002 E. Mulberry Street. The business operated under the name Sunshine Food Mart. The mailing address Petitioner registered with TCEQ was the same Mulberry Street address as the business.

After a notice letter to Petitioner on the alleged violations, a short time after, TCEQ filed a Petition based on the alleged violations. The Petition contained a paragraph notifying Petitioner that failure to answer the Petition, or failure to participate in a hearing after filing an answer, would result in the allegations being deemed admitted. The certificate of service on the Petition indicates it was mailed to Petitioner at the Mulberry Street address.

Petitioner filed a response denying the allegations and requested that notice of court dates be mailed to the Mulberry Street address. The case was then referred to the State Office of Administrative Hearings (SOAH).

Petitioner did not attend the hearing on May 29, 2008, and the administrative law judge presiding over the hearing granted a continuance to allow TCEQ to confirm Petitioner received notice of the hearing. The order resetting the hearing contained a similar advisory to Petitioner as was contained in the Petition regarding the consequences of Petitioner failing to appear at the reset hearing date. Notice of the reset hearing was sent again to the Mulberry Street address by First Class mail.

The Certified Mail return receipt for the original notice of hearing was eventually returned to TCEQ as unclaimed on June 18, 2008. It also contained a postal notification of new address for Sunshine Food Mart at 112 Circle Drive in Kaufman, Texas.

Petitioner did not appear at the hearing on June 25, 2008, and the hearing proceeded as a default proceeding. The administrative law judge issued a proposal for decision recommending that Petitioner be found in default and TCEQ's allegations in the Petition should be admitted as true. The administrative law judge also recommended penalties to be assessed and corrective action for Petitioner to undertake. The SOAH sent notice of the administrative law judge's proposal for decision to Petitioner at the Mulberry Street address. The TCEQ commissioners accepted the proposal for decision and issued a default order against Petitioner on January 16, 2009.

Petitioner's petition for judicial review contained an affidavit from Pulak Barua stating he sold the business shortly after the enforcement action commenced against him and did not return to the business address on Mulberry Street and thus did not receive the notices sent to that address. The affidavit also stated he was out of the country when both hearings occurred.

Petitioner's claims of lack of notice were raised in the opinion of the Eighth Court of Appeals

REASONS FOR GRANTING THE WRIT

Petitioner contends that he did not receive notice of the administrative hearing, thus depriving him of his Due Process.

Against this interest of the State in finality, courts must balance the individual interest sought to be protected by the Fourteenth Amendment. This is defined by the Supreme Court's holding that "The fundamental requisite of due process of law is the opportunity to be heard." *Grannis* v. *Ordean*, 234 U.S. 385, 394 (1914). This right to be heard has little reality or worth unless one is informed that the matter is pending and can choose for himself whether to appear or default, acquiesce or contest *Mullane v. Central Hanover Tr. Co.*, 339 U.S. 306, 314 (1950).

An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections. *Milliken* v. *Meyer*, 311 U.S. 457 (1940); *Grannis* v. *Ordean*, 234 U.S. 385; *Priest* v. *Las Vegas*, 232 U.S. 604 (1914); *Roller* v. *Holly*, 176 U.S. 398 (1900). The notice must be of such nature as reasonably to convey the required information, *Grannis* v. *Ordean, supra*, and it must afford a reasonable time for those interested to make their appearance, *Roller* v. *Holly, supra*, and *cf. Goodrich* v. *Ferris*, 214 U.S. 71 (1909). But if with due regard for the practicalities and peculiarities of the case these conditions are reasonably met, the constitutional requirements are satisfied. "The criterion is not the possibility of conceivable injury but the just and reasonable character of the requirements, having reference to the subject with which the statute deals." *American Land Co.* v. *Zeiss*, 219 U.S. 47, 67 (1911); and see *Blinn* v. *Nelson*, 222 U.S. 1, 7 (1911). *Mullane v. Central Hanover Tr. Co.*, 339 U.S. 306, 314-15 (1950).

But when notice is a person's due, process which is a mere gesture is not due process. The means employed must be such as one desirous of actually informing the absentee might reasonably adopt to accomplish it. The reasonableness and hence the constitutional

validity of any chosen method may be defended on the ground that it is in itself reasonably certain to inform those affected, compare *Hess* v. *Pawloski*, 274 U.S. 352 (1927), with *Wuchter* v. *Pizzutti*, 276 U.S. 13 (1928), or, where conditions do not reasonably permit such notice, that the form chosen is not substantially less likely to bring home notice than other of the feasible and customary substitutes. *Mullane v. Central Hanover Tr. Co.*, 339 U.S. 306, 315 (1950). *Accord*, *Mennonite Board of Missions v. Adams*, 462 U.S. 781, 800 (1983); *Tulsa Professional Collection Services v. Pope*,486 U.S. 478, 490 (1988); *Jones v. Flowers*, 547 U.S. 220, 238 (2006).

It may well seem frustrating that Petitioner wanted notices of court dates sent to the Mulberry Street address. But this was not a permanent desire. Petitioner moved, and the parties were aware by June 18 of the new Circle Street address in Kaufman, Texas. A party desirous of serving Petitioner would have served Petitioner at the new address in advance of the June 25th hearing.

CONCLUSION

Petitioner respectfully requests that the Court grant his petition for certiorari, and on submission of the case, order that the ruling of the Eighth Court of Appeals be reversed and remanded for further proceedings.

Respectfully submitted,

/s/ **John D. Nation**
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APPENDIX

1. *Texas Commission on Environmental Quality v. Barua*, 632 S.W.3d 726 (Tex. App.—El Paso 2021).

2. *Texas Commission on Environmental Quality v. Barua*, No. 21-0838 (Tex. April 22, 2022).

I.

Eighth Court of Appeals Opinion

No. 08-20-00045-CV

08-20-2021

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, Appellant, v. Pulak BARUA d/b/a Sunshine Food Mart, Petitioner.

William W. Thompson, Donald H. Grissom, Austin, for Petitioner. Mark A. Steinbach, Linda Booth Secord, Austin, for Appellant.

OPINION

YVONNE T. RODRIGUEZ, Chief Justice

Appellant, Texas Commission on Environmental Quality ("TCEQ"), appeals the trial court's reversal of its default order against Petitioner, Pulak Barua d/b/a Sunshine Food Mart. TCEQ claims substantial evidence supports its finding that Petitioner received notice of the order setting the enforcement action against him for hearing, and he was not deprived of due process when TCEQ entered the default order against him. As a preliminary issue, TCEQ also asserts Petitioner failed to preserve any issues for appeal when he failed to adequately raise any issues in his motion for rehearing as required under the Texas Government Code.

We agree with TCEQ that Petitioner failed to preserve his issues for appeal to the trial court in Travis County, and the trial court erred in considering them. We reverse and render judgment.

BACKGROUND

TCEQ's Regulatory Authority over Underground Storage Tanks (USTs)

Per legislative directive, TCEQ regulates USTs storing gasoline and other petroleum derivatives pursuant to the Texas Water Code. *See* TEX.WATER CODE ANN. §§ 26.343(a) and 26.345(a). Regulating storage of these products protects groundwater from contamination that could occur due to leaks in the USTs. *Id.* at § 26.341(b). TCEQ's rules governing USTs are codified in the Texas Administration Code at Title 30, Chapter 334. However, the Water Code grants enforcement authority to TCEQ, including authority to assess administrative penalties and order corrective action by owners and operators of USTs. *See* TEX.WATER CODE ANN. §§ 7.002, 7.051(a), and 7.073.

When TCEQ believes enforcement is warranted, it initiates an enforcement action by filing an Executive Director's Preliminary Report and Petition (the Petition). 30 TEX.ADMIN.CODE § 70.101(a) (1999)(Tex. Com'n on Envtl. Quality, Exec. Dir.'s Preliminary Report). TCEQ enforcement actions may proceed as contested cases

governed by the APA and conducted by the State Office of Administrative Hearings (SOAH). *See* TEX.WATER CODE ANN. § 7.058 ; TEX.GOV'T CODE ANN. § 2003.047(a). When a respondent answers the Petition and requests a hearing, the matter is referred to the SOAH unless the commissioners choose to hear the case themselves. 30 TEX.ADMIN.CODE § 70.108 (1996)(Tex. Com'n on Envtl. Quality, Contested Enforcement Case Hearings to be Held by SOAH); 30 TEX.ADMIN.CODE § 70.109 (1996)(Tex. Com'n on Envtl. Quality, Referral to SOAH). The respondent in an enforcement action receives notice of hearing as required by the Administrative Procedure Act in the Petition filed by TCEQ. *See* TEX.GOV'T CODE ANN. § 2001.052. The proceeding is governed by TCEQ's hearing rules and the SOAH' rules, to the extent they do not conflict with TCEQ's rules. *See* 1 TEX.ADMIN.CODE § 155.1(f) (2006)(State Office of Admin. Hearings, Purpose and Scope), *repealed by* 33 TEX.REG. 5089, 5089 (2008), *adopted by* 33 TEX.REG. 9451, 9451 (2008); 1 TEX.ADMIN.CODE § 155.3(d) (2004)(State Office of Admin. Hearings, Application and Constr. of this Chapter), *repealed by* 33 TEX.REG. 5089, 5089 (2008), *adopted by* 33 TEX.REG. 9451, 9451 (2008).

If a respondent in an enforcement action fails to answer the Petition or answers but fails to appear at the preliminary or evidentiary hearing, a default order may be entered against the respondent. *See* 30 TEX.ADMIN.CODE § 70.106(a) (1999)(Tex. Com'n on Envtl. Quality,

Default Order). Where, as here, the respondent files an answer but fails to appear at an enforcement hearing, the situation may be treated the same as if the respondent filed no answer. *See* 30 TEX.ADMIN.CODE § 80.113(d) (1996)(Tex. Com'n on Envtl. Quality, Appearance)("Failure to appear at an enforcement hearing may result in a default order under § 70.106 of this title (relating to Default Orders)."). Likewise, the SOAH's rules allow the presiding administrative law judge at a hearing to process the case as a no-answer default if a respondent fails to appear for a properly-noticed hearing. 1 TEX.ADMIN.CODE § 155.55(a), (e) (2005)(State Office of Admin. Hearings, Default Proceedings), *repealed by* 33 TEX.REG. 5089, 5090 (2008), *adopted by* 33 TEX.REG. 9451, 9451 (2008). Default proceedings require the agency to prove notice of hearing was sent by first class or certified mail to the respondent's last known address. 1 TEX.ADMIN.CODE § 155.55(b) (2005)(State Office of Admin. Hearings, Default Proceedings), *repealed by* 33 TEX.REG. 5089, 5090 (2008), *adopted by* 33 TEX.REG. 9451, 9451 (2008). The factual allegations in the Petition are deemed admitted, and the administrative law judge may issue a proposed decision based on the deemed admissions in the Petition. 1 TEX.ADMIN.CODE § 155.55(a)(e) (2005)(State Office of Admin. Hearings, Default Proceedings), *repealed by* 33 TEX.REG. 5089, 5090 (2008), *adopted by* 33 TEX.REG. 9451, 9451 (2008). The administrative law judge then dismisses the case from SOAH's docket, and the

case is returned to the agency for disposition as a default order under the rules of the Administrative Procedure Act. 1 TEX.ADMIN.CODE § 155.55(e) (2005)(State Office of Admin. Hearings, Default Proceedings), *repealed by* 33 TEX.REG. 5089, 5090 (2008), *adopted by* 33 TEX.REG. 9451, 9451 (2008).

TCEQ's Enforcement Action Against Petitioner

Petitioner previously owned and operated four USTs at a convenience store and gas station in Kaufman, Texas, located at 1002 E. Mulberry Street. The business operated under the name Sunshine Food Mart. The mailing address Petitioner registered with TCEQ was the same Mulberry Street address as the business.

The enforcement action at issue in this case began when TCEQ notified Petitioner of various violations of TCEQ regulations following an inspection of the business's premises. Among the alleged violations was Petitioner's alleged failure to complete previously-required corrective actions following an earlier enforcement action. Documents describing the violations were sent to Petitioner along with a notice of enforcement cover letter. A short time after, TCEQ filed a Petition based on the alleged violations. The Petition contained a paragraph notifying Petitioner that failure to answer the Petition, or failure to participate in a hearing after filing an answer, would result in the allegations being deemed

admitted. The certificate of service on the Petition indicates it was mailed to Petitioner at the Mulberry Street address.

Petitioner responded to the Petition in writing, denying the allegations and requesting that all notices and the "court date" be sent to the Mulberry Street address. TCEQ then referred the case to the SOAH, viewing Petitioner's request for a court date as a request for a hearing. Petitioner received a copy of the referral request TCEQ sent to the SOAH as evidenced by the signed Certified Mail return receipt. The same day Petitioner signed the Certified Mail return receipt for the referral request, TCEQ's chief clerk mailed the SOAH's notice of hearing for May 29, 2008, to Petitioner at the Mulberry Street address via certified and first-class mail.

Petitioner did not attend the hearing on May 29, 2008, and the administrative law judge presiding over the hearing granted a continuance to allow TCEQ to confirm Petitioner received notice of the hearing. The order resetting the hearing contained a similar advisory to Petitioner as was contained in the Petition regarding the consequences of Petitioner failing to appear at the reset hearing date. Notice of the reset hearing was sent again to the Mulberry Street address by First Class mail.

The Certified Mail return receipt for the original notice of hearing was eventually returned to TCEQ as unclaimed on June 18,

2008. It also contained a postal notification of new address for Sunshine Food Mart at 112 Circle Drive in Kaufman, Texas.

Petitioner did not appear at the hearing on June 25, 2008, and the hearing proceeded as a default proceeding. The administrative law judge issued a proposal for decision recommending that Petitioner be found in default and TCEQ's allegations in the Petition should be admitted as true. The administrative law judge also recommended penalties to be assessed and corrective action for Petitioner to undertake. The SOAH sent notice of the administrative law judge's proposal for decision to Petitioner at the Mulberry Street address. The TCEQ commissioners accepted the proposal for decision and issued a default order against Petitioner on January 16, 2009.

Petitioner timely filed a motion for rehearing. It stated as follows:

1) This motion is filed by Pulak Barua as a representative of himself and Sunshine Food Mart.

2) This case is associated with TCEQ Docket No. 2007-1842-PST-E and SOAH Docket No. 582-08-2780

3) The default order that I request a rehearing was issued on January 16, 2009.

4) Pulak Barua states that the factual allegations made against him are not true. He

further states that he has provided release detection for his tanks, conducted an inventory control, replaced his spill brackets and sent last 3 year CP test results.

5) Pulak Barua on behalf of himself and Sunshine Food Mart requests that a date be set where this case can be heard again. Pulak Barua was out of town during most, if not all, of the previous hearings.

In a letter dated March 24, 2009, Appellant notified Petitioner that his motion for rehearing was "overruled by operation of law on March 9, 2009."

Petitioner's Suit for Judicial Review

Petitioner timely filed a petition for judicial review of TCEQ's default against him. In it, he claimed TCEQ erred by entering a default against him because he did not receive actual notice of the hearing dates. He also claimed TCEQ erred by not offering evidence proving its case against him at the default hearing. Petitioner's petition for judicial review contained an affidavit from Pulak Barua stating he sold the business shortly after the enforcement action commenced against him and did not return to the business address on Mulberry Street and thus did not receive the notices sent to that address. The affidavit also stated he was out of the country when both hearings occurred.

After a bench trial, the trial court reversed TCEQ's default order and remanded the case. TCEQ timely filed its appeal.

DISCUSSION

TCEQ raises three issues on appeal: (1) whether the finding Petitioner received notice of the hearings is supported by substantial evidence; (2) whether Petitioner was deprived of due process with the rendering of a default order based on facts alleged in TCEQ's petition; and (3) whether Petitioner preserved his complaints for trial court review in his motion for rehearing.

Preservation of Error

As a threshold issue, we address the preservation question first. TCEQ claims neither of the two points of error asserted in Petitioner's trial court suit was articulated in his motion for rehearing. Further, TCEQ asserts Petitioner failed to identify any finding of fact, conclusion of law, ruling, or other action by the agency that he claims is in error, or the legal basis upon which his claim is based. Finally, TCEQ argues any attempt by Petitioner to remedy this oversight by filing an affidavit as part of his petition in trial court fails to preserve error because it was not made as part of the administrative record presented to TCEQ. Petitioner, in contrast, claims his statement in the motion for rehearing that he was "out of town during most, if not all, of the previous hearings" implies he did not receive

actual notice of the settings. Petitioner does not address the allegation his motion for rehearing fails to raise the evidentiary claims made in his trial court petition.

Parties seeking to appeal the decision of an administrative proceeding must timely file a motion for rehearing to preserve their issues for appeal. TEX.GOV'T CODE ANN. § 2001.145 ; *Texas Alcoholic Beverage Com'n v. Quintana* , 225 S.W.3d 200, 203 (Tex.App.—El Paso 2005, pet. denied). Whether a motion for rehearing is filed timely is an issue of jurisdiction; whether the contents of a motion for rehearing are sufficient "goes solely to the issue of preservation of error." *Quintana* , 225 S.W.3d at 203 (*citing Hill v. Board of Trustees of the Retirement System of Texas* , 40 S.W.3d 676, 679 (Tex.App.—Austin 2001, no pet.)).

To be sufficient, "[t]he motion must set forth: (1) the particular finding of fact, conclusion of law, ruling, or other action by the agency which the complaining party asserts was error; and (2) the legal basis upon which the claim of error rests. *Quintana* , 225 S.W.3d at 203 (*citing BFI Waste Systems of North America, Inc. v. Martinez* , 93 S.W.3d 570, 578 (Tex.App.—Austin 2002, pet. denied)). Although neither element requires legal or factual briefing, "both elements must be present in the motion ... [and] may not be supplied solely in the form of generalities." *Id.* (*citing Morgan v. Employees' Retirement System of Texas* , 872 S.W.2d 819, 821 (Tex.App.—Austin 1994, no writ). Mere allegations that the agency's order is not

supported by substantial evidence is insufficient to satisfy the pleading requirements. *Id.* (*citing Burke v. Central Education Agency* , 725 S.W.2d 393, 397 (Tex.App.—Austin 1987, writ ref'd n.r.e.).

Here, Petitioner's motion for rehearing states, in pertinent part,

4) Pulak Barua states that the factual allegations made against him are not true. He further states that he has provided release detection for his tanks, conducted an inventory control, replaced his spill brackets and sent last 3 year CP test results.

5) Pulak Barua on behalf of himself and Sunshine Food Mart requests that a date be set where this case can be heard again. Pulak Barua was out of town during most, if not all, of the previous hearings.

First, we note Petitioner's motion for rehearing does not allege he did not receive actual notice of the hearing settings. Further, he fails to assert the alleged lack of notice deprived him of due process, which is the legal basis upon which Petitioner bases his lack-of-notice claims before the trial court. The default order explicitly contains nine findings of fact related to TCEQ's efforts to notify Petitioner of the hearings on his case, and a conclusion of law that states in part Petitioner was notified of the hearings. If Petitioner intended to challenge those findings on appeal to the trial court, he was required to specifically identify those findings in his motion for rehearing before the presiding

administrative law judge. Additionally, to preserve error, he must state how the administrative law judge erred in making those findings because Petitioner, in fact, did not receive notice of the hearings. *See Quintana* , 225 S.W.3d at 204 (Petitioner failed to preserve error when she failed to challenge the specific factual findings). At a minimum, to preserve error, Petitioner would have to allege he was unable to attend because he was unaware of the hearings. He did not. Instead, he stated only he was out of town when one or both hearings occurred. The fact he was unavailable to attend his hearings does not equate to a lack of notice for said hearings. We find Petitioner failed to sufficiently preserve error on his lack-of-notice claims.

Petitioner's brief does not address the sufficiency of its evidentiary argument in the motion for rehearing; rather, it simply states, "Petitioner's motion for new trial ... clearly puts at issue his claims on evidence." However, the record does not contain a motion for new trial filed by Petitioner, nor does he elaborate on his contention the evidentiary claims were adequately addressed. Accordingly, we find Petitioner waived this issue. *See RSL Funding, LLC v. Newsome* , 569 S.W.3d 116, 126 (Tex. 2018) (where Petitioner failed to provide argument or analysis for his contentions, the issue was waived).

An issue on appeal that is not supported by argument or citation to legal authority presents

nothing for the court to review. *See Fredonia State Bank v. Gen. Am. Life Ins. Co.* , 881 S.W.2d 279, 284 (Tex. 1994) ; *J.C. Gen. Contractors v. Chavez* , 421 S.W.3d 678, 681 (Tex.App.—El Paso 2014, pet. denied) ; *see also Valadez v. Avitia* , 238 S.W.3d 843, 844– 45 (Tex.App.—El Paso 2007, no pet.) (the reviewing court's duties do not include performing an independent review of the record to ascertain whether error exists).

However, even if the issue is not waived, we find his motion for rehearing fails to articulate, even in a general sense, how the administrative judge erred in allegedly failing to base his order on documentary evidence, or the legal basis upon which he relies in making that claim. *See Quintana* , 225 S.W.3d at 203 (*citing Martinez* , 93 S.W.3d at 578)(both the alleged error and the legal basis upon which it is based must be addressed in the motion for rehearing to preserve the issue for appeal). Petitioner's motion only makes the general statement the allegations against him are false. For that reason, even if the issue had been properly raised by Petitioner in his brief, we find Petitioner failed to sufficiently preserve error regarding his complaint the administrative judge did not admit evidence on TCEQ's substantive claims in support of the default order.

The entire substance of Petitioner's appeal to the trial court—that Petitioner did not receive notice of the hearing settings, and the default order was based on no evidence or insufficient

evidence—is not raised in any way in his motion for rehearing. General complaints regarding the substance of the agency's action or the sufficiency of the evidence supporting the action are inadequate to preserve an issue for appeal by judicial review. *See Quintana* , 225 S.W.3d at 203.

TCEQ's third issue is sustained.

CONCLUSION

Petitioner failed to articulate the points of error raised in his petition before the trial court in the motion for rehearing. Accordingly, he failed to preserve them for review, and the trial court erred in reversing the default order against him.

Having sustained TCEQ's third issue, we reverse the judgment of the trial court and render judgment affirming the default order. *See Quintana* , 225 S.W.3d at 206.

II.

ORDER ON REHEARING: EIGHTH COURT OF APPEALS OF TEXAS

[SEAL]

COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

TEXAS COMMISSION	§	
ON ENVIRONMENTAL	§	No. 08-20-00045-CV
QUALITY,	§	
Appellant,	§	Appeal from the
	§	
VS.	§	98th District Court
	§	
PULAK BARUA D/B/A	§	of Travis County, Texas
SUNSHINE FOOD	§	
MART,	§	(TC#D-1-GN-09-001076)
Appellee	§	

ORDER

The Court has considered the Appellee's Motion for Rehearing, and concludes that the motion should be denied. Accordingly, it is ORDERED that said motion be and it is hereby denied.

IT IS SO ORDERED THIS 15TH DAY OF SEPTEMBER, 2021.

YVONNE T. RODRIGUEZ,
Chief Justice

Before Rodriguez, C.J., Palafox, and Alley, JJ.

III.
ORDER ON PETITION FOR REVIEW,
TEXAS SUPREME COURT

RE: Case No. 21-0838 COA #: 08-20-00045-CV STYLE: BARUA v. TEX. COMM'N ON ENVTL. QUALITY DATE: 1/28/2022 TC#: D-1-GN-09-001076 Today the Supreme Court of Texas denied the petition for review in the above-referenced case.

IV.

ORDER DENYING REHEARING, TEXAS SUPREME COURT

RE: Case No. 21-0838 DATE: 4/22/2022

COA # 08-20-00045-CV

TC# D-1-GN-09-001076

STYLE: BARUA V. TEX. COMM'N ON ENVTL. QUALITY

Today, the Supreme Court of Texas denied the motion for rehearing of the above-referenced petition for review.

PALUK BARUA

DELIVERED VIA EMAIL