

**COURT OF APPEALS OF TEXAS, THIRTEENTH DISTRICT, CORPUS
CHRISTI-EDINBURG**

In re Christine Franks

No. 13-08-567-CV (Tex. App.—Corpus Christi—Edinburg Nov. 10, 2008) (mem. op.) · No. 13-08-567-CV ·
Decided November 10, 2008

OPINION

PER CURIAM.

NUMBER 13-08-567-CV COURT OF APPEALS THIRTEENTH DISTRICT OF TEXAS
CORPUS CHRISTI - EDINBURG IN RE CHRISTINE FRANKS On Petition for Writ of
Mandamus MEMORANDUM OPINION Before Chief Justice Valdez and Justices Rodriguez and
Benavides Memorandum Opinion Per Curiam (1) Relator, Christine Franks, filed a petition for
writ of mandamus in the above cause on October 3, 2008.

The Court requested a response from the real parties in interest, and one was received from real
party in interest, Carol Thompson. Mandamus relief is proper only to correct a clear abuse of
discretion when there is no adequate remedy by appeal. See *In re Prudential Ins. Co. of Am.*, 148
S.W.3d 124, 135-36 (Tex. 2004); *Walker v. Packer*, 827 S.W.2d 833, 839 (Tex.

1992). The relator has the burden of establishing both prerequisites to mandamus relief. *In re CSX
Corp.*, 124 S.W.3d 149, 151 (Tex. 2003) (orig. proceeding). This burden is a heavy one. See *In re
Epic Holdings, Inc.*, 985 S.W.2d 41 (Tex. 1998).

The Court, having examined and fully considered the petition for writ of mandamus and the
response thereto, is of the opinion that relator has not shown herself entitled to the relief sought.
See *Prudential Ins. Co. of Am.*, 148 S.W.3d at 135-36; see also *LeJune v. Pow-Sang*, No. 01-04-
00843-CV, 2006 Tex. App. LEXIS 2740, at *10-17 (Tex. App.-Houston [1st Dist.]

2006, no pet.) (mem. op.), disapproved on other grounds by *In re Lynd Co.*, 195 S.W.3d 682 (Tex.
2006). Accordingly, the petition for writ of mandamus is DENIED. See Tex. R. App. P. 52.8(a).
PER CURIAM Memorandum Opinion delivered and filed this 10th day of November, 2008. 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."); Tex. R. App.

P. 47.4 (distinguishing opinions and memorandum opinions).