

COURT OF APPEALS FOR THE NINTH DISTRICT OF TEXAS AT BEAUMONT

In re Mitchell William Blakeley

No. 09-26-00032-CV (Tex. App.—Beaumont Jan. 26, 2026) · No. 09-26-00032-CV · Decided January 26, 2026

SUMMARY

The Ninth Court of Appeals of Texas denied Mitchell William Blakeley’s petition for a writ of mandamus and motion for temporary relief in an underlying divorce and custody proceeding. The court held that Blakeley had not shown entitlement to mandamus relief concerning interim attorney’s fees, an order on a motion for leave, or designation of an expert.

CASE DETAILS

COURT	Court of Appeals for the Ninth District of Texas at Beaumont
WRITING FOR THE COURT	Golemon, C.J.; Johnson, J.; Chambers, J.
JURISDICTION	Ninth Court of Appeals of Texas at Beaumont
DECIDED	January 26, 2026
DOCKET	09-26-00032-CV
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Original proceeding in which Relator Mitchell William Blakeley petitioned for a writ of mandamus and sought temporary relief concerning orders entered in an underlying divorce and custody suit.
STANDARD OF REVIEW	Mandamus relief requires the relator to show a clear abuse of discretion by the trial court and the absence of an adequate remedy by appeal. A trial court abuses its discretion when its ruling is arbitrary and unreasonable, made without regard to guiding legal principles or supporting evidence, or when it fails to correctly analyze or apply the law.
PRECEDENTIAL VALUE	Published memorandum opinion
PARTIES	Mitchell William Blakeley

TOPICS

- family law procedure
- appellate procedure
- standard of review
- remedies
- attorney fees

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Blakeley demonstrated a clear abuse of discretion by the trial court warranting mandamus relief.
2. Whether Blakeley lacked an adequate remedy by appeal.
3. Whether temporary relief should issue in connection with the mandamus petition.

HOLDINGS

1. Blakeley did not show that he was entitled to mandamus relief because he failed to establish the requirements for mandamus, including a clear abuse of discretion and the lack of an adequate remedy by appeal.
2. Temporary relief was denied.

KEY QUOTATIONS

“An abuse of discretion occurs when a trial court’s ruling is arbitrary and unreasonable, made without regard for guiding legal principles or supporting evidence.”

FACTUAL BACKGROUND

The underlying proceeding was a divorce and custody suit. The trial court entered an Order on Motion for Interim Attorney’s Fees and Expenses and Trial Retainer and an Order on Petitioner’s Motion for Leave, both dated January 14, 2026. Blakeley sought to compel the trial court to vacate those orders and permit him to designate George S. Glass, M.D. as an expert.

PROCEDURAL HISTORY

Blakeley sought mandamus relief from the 418th District Court of Montgomery County, Texas, requesting that the trial court vacate orders concerning interim attorney’s fees and expenses and leave to designate an expert, and grant him leave to designate George S. Glass, M.D. The Court of Appeals reviewed the petition and the submitted record and denied both the petition and the motion for temporary relief.

DISPOSITION

writ_denied

CASES CITED

- In re Prudential Ins. Co. of Am., 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding)
- Walker v. Packer, 827 S.W.2d 833, 839–40 (Tex. 1992) (orig. proceeding)
- In re Nationwide Ins. Co. of Am., 494 S.W.3d 708, 712 (Tex. 2016) (orig. proceeding)

OPINION

PER CURIAM.

In The Court of Appeals Ninth District of Texas at Beaumont _____ NO. 09-26-
00032-CV _____ IN RE MITCHELL WILLIAM BLAKELEY

Original
Proceeding 418th District Court of Montgomery County, Texas Trial Cause No. 25-05-07297

MEMORANDUM OPINION Mitchell William Blakeley filed a petition for a writ of mandamus and a motion for temporary relief.

Relator Mitchell William Blakeley seeks to compel the trial court in the underlying suit for divorce and custody (1) to vacate an Order on Motion for Interim Attorney's Fees and Expenses and Trial Retainer dated January 14, 2026, (2) to vacate the trial court's Order on Petitioner's Motion for Leave dated January 14, 2026, and (3) to grant leave to Relator to allow him to designate George S. Glass, M.D. as an expert.

See Tex. Fam. Code Ann. § 6.502(a)(4); Tex. R. Civ. P. 193.6. 1 We may issue a writ of mandamus to remedy a clear abuse of discretion by the trial court when the relator lacks an adequate remedy by appeal. See *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135-36 (Tex. 2004) (orig. proceeding); *Walker v. Packer*, 827 S.W.2d 833, 839-40 (Tex. 1992) (orig. proceeding). "An abuse of discretion occurs when a trial court's ruling is arbitrary and unreasonable, made without regard for guiding legal principles or supporting evidence." *In re Nationwide Ins.*

Co. of Am., 494 S.W.3d 708, 712 (Tex. 2016) (orig. proceeding). A trial court also abuses its discretion if it fails to correctly analyze or apply the law, because a trial court has no discretion in determining what the law is or in applying the law to the facts. See *Prudential*, 148 S.W.3d at 135; *Walker*, 827 S.W.2d at 840.

Having reviewed the petition for a writ of mandamus and the record submitted with the petition, we conclude that the Relator has not shown that he is entitled to mandamus relief. Accordingly, we deny the petition for a writ of mandamus and the motion for temporary relief. See Tex. R. App. P. 52.8(a), 52.10. PETITION DENIED. PER CURIAM Submitted on January 23, 2026 Opinion Delivered January 26, 2026 Before Golemon, C.J., Johnson and Chambers, JJ. 2