

COURT OF APPEALS OF TEXAS, FIFTH DISTRICT AT DALLAS

In re Lakeith Amir-Sharif

No. 05-15-01280-CV (Tex. App.—Dallas Nov. 2, 2015) · No. No. 05-15-01280-CV · Decided November 2, 2015

SUMMARY

The Fifth District Court of Appeals of Texas considered a supplemental petition for writ of mandamus concerning the sequence in which the trial court handled various motions. The court held that the relator failed to demonstrate a clear abuse of discretion and denied the petition.

CASE DETAILS

COURT	Court of Appeals of Texas, Fifth District at Dallas
WRITING FOR THE COURT	Justice David L. Bridges; Chief Justice Wright; Justice Bridges; Justice Stoddart
JURISDICTION	Texas
DECIDED	November 2, 2015
DOCKET	No. 05-15-01280-CV
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Original proceeding on a petition for writ of mandamus.
STANDARD OF REVIEW	Mandamus relief requires the relator to show that the trial court clearly abused its discretion and that the relator has no adequate remedy by appeal.
PRECEDENTIAL VALUE	Published memorandum opinion; no reporter citation appears in the provided text.

TOPICS

- writ of certiorari
- appellate procedure
- standard of review
- civil procedure
- remedies

PRACTICE AREAS

- civil procedure
- appellate procedure
- mandamus

QUESTIONS PRESENTED

1. Whether relator demonstrated that the trial court clearly abused its discretion in handling the sequence of various motions.
2. Whether relator was entitled to mandamus relief.

HOLDINGS

1. A relator seeking mandamus relief must show both that the trial court clearly abused its discretion and that the relator lacks an adequate appellate remedy; relator failed to demonstrate a clear abuse of discretion, so mandamus relief was denied.

KEY QUOTATIONS

“Ordinarily, to obtain mandamus relief, a relator must show both that the trial court has clearly abused its discretion and that relator has no adequate appellate remedy.”

“After reviewing the record, we conclude that relator has failed to demonstrate the trial court has abused its discretion. We deny the petition.”

FACTUAL BACKGROUND

Relator complained about the sequence in which the trial court handled various motions in the underlying case. The appellate court reviewed the record and concluded that relator had not demonstrated an abuse of discretion by the trial court.

PROCEDURAL HISTORY

Relator filed the petition as a supplement to an earlier petition in cause number 05-15-01169-CV. Because the earlier proceeding had been disposed of before the supplement was received, the court treated the supplement as a new mandamus petition. The court reviewed relator's complaints concerning the sequence in which the trial court handled various motions and denied relief.

DISPOSITION

writ_denied

CASES CITED

- In re Prudential Ins. Co., 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding)

OPINION

PER CURIAM.

DENY; and Opinion Filed November 2, 2015. S In The Court of Appeals Fifth District of Texas at Dallas No. 05-15-01280-CV IN RE LAKEITH AMIR-SHARIF, Relator Original Proceeding from the 191st Judicial District Court Dallas County, Texas Trial Court Cause No. DC-09-13818-J MEMORANDUM OPINION Before Chief Justice Wright, Justice Bridges, and Justice Stoddart

Opinion by Justice Bridges Relator filed this petition for writ of mandamus as a supplement to his petition in cause number 05-15-01169-CV, In re Amir-Sharif.

Because the Court disposed of cause number 05- 15-01169-CV before receiving relator's supplement, we treat the supplement as a new petition for writ of mandamus. Relator's complaints concern the sequence of the trial court's handling of various motions in the case. Ordinarily, to obtain mandamus relief, a relator must show both that the trial court has clearly abused its discretion and that relator has no adequate appellate remedy.

In re Prudential Ins. Co., 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding). After reviewing the record, we conclude that relator has failed to demonstrate the trial court has abused its discretion. We deny the petition. /David L. Bridges/ 151280F.P05 DAVID L. BRIDGES JUSTICE