

Deny and Opinion Filed May 22, 2015



In The  
**Court of Appeals**  
**Fifth District of Texas at Dallas**

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No. 05-15-00656-CV

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IN RE WALLACE LANE SCHOOLER, Relator

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Original Proceeding from the 429th Judicial District Court  
Collin County, Texas  
Trial Court Cause No. 429-53643-2012

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MEMORANDUM OPINION

Before Justices Lang, Fillmore and Evans  
Opinion by Justice Evans

Relator filed a petition for writ of habeas corpus or, in the alternative, petition for writ of mandamus requesting that the Court order relator discharged from the restraint of his liberty imposed by the trial court's May 15, 2015 "Order Holding Respondent in Contempt for Failure to Pay Child Support, for Failure to Pay Medical Reimbursement, for Failure to Timely Return the Parties' Children as Ordered, Granting Judgment and for Commitment to County Jail," the trial court's May 18, 2015 "Order for Capias," and the trial court's May 18, 2015 "Order to Appear on Motion to Revoke Suspension of Commitment." Relator contends that the trial court's orders were rendered in violation of his due process rights.

Because relator is not presently confined, we treat the petition as a petition for writ of mandamus. Ordinarily, to obtain mandamus relief, a relator must show both that the trial court has clearly abused its discretion and that the relator has no adequate appellate remedy. *In re*

*Prudential Ins. Co.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding). We conclude relator has failed to establish a right to the relief requested.

We deny the petition.

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/David Evans/  
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DAVID EVANS  
JUSTICE