

**DENY; and Opinion Filed December 1, 2015.**



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

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**No. 05-15-01426-CV**

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**IN RE TERRENCE M. GORE, Relator**

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**Original Proceeding from the 302nd Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. DF12-12707-U**

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**MEMORANDUM OPINION**

Before Justices Francis, Myers, and Schenck  
Opinion by Justice Myers

Relator filed this petition for writ of mandamus complaining that he had been deprived of his right to a jury trial in this suit affecting the parent-child relationship. Relator states that a “bench order” has been signed with regard to the proceeding, but a final judgment has not been signed. By separate motion for emergency relief, he requests that the Court stay rendition of final judgment pending determination of his petition for writ of mandamus. Relator also complains that the trial judge failed to recuse herself despite the fact that she was a respondent in a federal habeas corpus proceeding filed by relator.

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). Relator has an adequate remedy by appeal for both of his complaints. *In re Johnson*, 238 S.W.3d 846, 848 (Tex. App.—El Paso 2007, orig. proceeding) (although trial court may have erred in denying jury trial

mandamus relief not appropriate because appeal provided an adequate remedy at law); *In re Rice*, 04-15-00343-CV, 2015 WL 3616073, at \*1 (Tex. App.—San Antonio June 10, 2015, orig. proceeding) (same); *In re McKee*, 248 S.W.3d 164, 165 (Tex. 2007) (mandamus not available for the denial of a motion to recuse); TEX. R. CIV. P. 18a(j)(1)(A) (complaint regarding failure to recuse may be reviewed only on appeal from final judgment).

We **DENY** the petition.

/Lana Myers/  
LANA MYERS  
JUSTICE

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