

DENY; and Opinion Filed September 18, 2017.



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

No. 05-17-01081-CV

IN RE ROTEM FARTOOK, Relator

**Original Proceeding from the 303rd Judicial District Court
Dallas County, Texas
Trial Court Cause No. DF-13-11103**

MEMORANDUM OPINION

Before Justices Francis, Brown, and Whitehill
Opinion by Justice Brown

Before the Court is relator's petition for writ of mandamus in which he complains of the trial court's August 17, 2017 order dissolving a temporary restraining order and providing that the real party in interest would have, on a temporary basis, the exclusive right to make the children's educational decisions. To be entitled to 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). Based on the record before us, we conclude relator has not shown he is entitled to the relief requested. Relator's complaints regarding the order dissolving the temporary restraining order are moot because the temporary restraining order would have automatically dissolved before relator filed this original proceeding. TEX. R. CIV. P. 680. Relator has not shown an abuse of discretion as to the temporary order giving the real party in interest the right to make educational decisions for the children.

Accordingly, we deny relator's petition for writ of mandamus. *See* TEX. R. APP. P. 52.8(a) (the court must deny the petition if the court determines relator is not entitled to the relief sought).

/Ada Brown/
ADA BROWN
JUSTICE

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