

Denied and Opinion Filed October 18, 2019



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-19-01118-CV

IN RE LANCE GURLEY, Relator

Original Proceeding from the 44th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-19-08070

MEMORANDUM OPINION

Before Justices Whitehill, Partida-Kipness, and Pedersen, III
Opinion by Justice Pedersen, III

Relator filed this petition for writ of mandamus and emergency motion to stay asserting that the trial court abused its discretion in granting real parties in interest's motion to expunge a lis pendens relator filed against their real property. We stayed the trial court's September 13, 2019 order granting the motion to expunge the lis pendens pending our disposition of the mandamus petition. On our request, real parties filed a response to the mandamus petition.

To be entitled to mandamus relief, relators must show both that the trial court has clearly abused its discretion and that relators have no adequate appellate remedy. *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding). After reviewing the petition for writ of mandamus, the response filed by real parties, and the applicable law, we conclude relator has not shown he is entitled to the relief requested. Accordingly, we deny relator's petition for writ of mandamus and lift our stay of the trial court's order. *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).

/Bill Pedersen, III/

BILL PEDERSEN. III

JUSTICE

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