

DENIED and Opinion Filed August 3, 2023



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

No. 05-23-00742-CV

IN RE BYRON CURTIS COOK AND TRADE RARE, L.L.C., Relators

**Original Proceeding from the 417th Judicial District Court
Collin County, Texas
Trial Court Cause No. 417-04885-2016**

MEMORANDUM OPINION

Before Justices Molberg, Goldstein, and Breedlove
Opinion by Justice Breedlove

Before the Court are relators' July 27, 2023 petition for writ of mandamus and July 31, 2023 first supplement to their petition for writ of mandamus. Relators ask this Court to compel the trial court to rule on two rule 76a motions.

Entitlement to mandamus relief requires relators to show that the trial court clearly abused its discretion and that relators lack an adequate appellate remedy. *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding). Relators bear the burden of providing the Court with a sufficient record to show they are entitled to relief. *Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992) (orig. proceeding); *see also* TEX. R. APP. P. 52.7(a)(1). After reviewing

relators' petition and supplemental petition and the record before us, we conclude that relators have failed to satisfy their burden to provide a sufficient record. *See* TEX. R. APP. P. 52.7(a)(1); *Walker*, 827 S.W.2d at 837.

Additionally and alternatively, based on our review of relators' petition and supplemental petition and the record before us, we conclude relators have failed to demonstrate entitlement to mandamus relief. *See* TEX. R. APP. P. 52.8(a).

Accordingly, we deny relators' petition for writ of mandamus.

230742f.p05

/Maricela Breedlove/

MARICELA BREEDLOVE
JUSTICE