

*Court of Appeals*  
*Fourth Court of Appeals District of Texas*  
*San Antonio*



**MEMORANDUM OPINION**

No. 04-10-00634-CV

**IN RE NCP FINANCE LIMITED PARTNERSHIP** and NMCapital, Inc.

Original Mandamus Proceeding<sup>1</sup>

PER CURIAM

Sitting: Catherine Stone, Chief Justice  
Karen Angelini, Justice  
Rebecca Simmons, Justice

Delivered and Filed: September 15, 2010

PETITION FOR WRIT OF MANDAMUS DENIED

On September 1, 2010, relators filed a petition for writ of mandamus and a motion for temporary relief. The court has considered relators' petition and motion and is of the opinion that relators are not entitled to the relief sought. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 51.016 (Vernon Supp. 2009) (interlocutory order in matter subject to Federal Arbitration Act appealable); *Hydro Management Systems, LLC v. Jalin, Ltd.*, No. 04-09-00813-CV, 2010 WL 1817813, at \*1 (Tex. App.—San Antonio May 5, 2010, no pet.) (denial of motion to compel based on Federal Arbitration Act is reviewed by interlocutory appeal); *In re Hydro Management Systems, L.L.C.*, No. 04-09-00808-CV, 2009 WL 5062320, at \*1 (Tex. App.—San Antonio Dec. 23, 2009, orig. proceeding) (denying mandamus relief because relator had adequate remedy by

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<sup>1</sup> This proceeding arises out of Cause No. 2009-CI-19255, styled *Humberto Escatiola v. Ace Credit Services, LLC, NCP Finance Limited Partnership and NMCapital, Inc.*, pending in the 150th Judicial District Court, Bexar County, Texas, the Honorable Antonia Arteaga presiding.

appeal under section 51.016). Accordingly, relators' petition for writ of mandamus and motion for temporary relief are denied. *See* TEX. R. APP. P. 52.8(a). Relators shall pay all costs incurred in this proceeding.

PER CURIAM