



NUMBER 13-21-00424-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

IN RE TANEISHA PAULIONO

On Petition for Writ of Mandamus.

MEMORANDUM OPINION

Before Justices Hinojosa, Tijerina, and Silva
Memorandum Opinion by Justice Tijerina¹

Pro se relator Taneisha Pauliono filed a petition for writ of mandamus in the above-referenced cause through which she asserts that the trial court² abused its discretion by

¹ See TEX. R. APP. P. 52.8(d) (“When denying relief, the court may hand down an opinion but is not required to do so. When granting relief, the court must hand down an opinion as in any other case.”); *id.* R. 47.1 (“The court of appeals must hand down a written opinion that is as brief as practicable but that addresses every issue raised and necessary to final disposition of the appeal.”); *id.* R. 47.4 (explaining the differences between opinions and memorandum opinions).

² This original proceeding originally arose from trial court cause number 2021-CCL-00621 in the County Court at Law No. 2 of Cameron County, Texas, with the Honorable Laura Betancourt presiding, but the underlying case was transferred to the County Court at Law No. 4 of Cameron County, Texas, with the Honorable Sheila Garcia Bence presiding. See *id.* R. 52.2. Relator identifies both judges as respondents in

refusing to sign a final judgment and instead transferring the case to a different court. Relator requests that we direct the trial court to sign the final judgment.

Mandamus is an extraordinary and discretionary remedy. See *In re Allstate Indem. Co.*, 622 S.W.3d 870, 883 (Tex. 2021) (orig. proceeding); *In re Garza*, 544 S.W.3d 836, 840 (Tex. 2018) (orig. proceeding) (per curiam); *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 138 (Tex. 2004) (orig. proceeding). The relator must show that (1) the trial court abused its discretion, and (2) the relator lacks an adequate remedy on appeal. *In re USAA Gen. Indem. Co.*, 624 S.W.3d 782, 787 (Tex. 2021) (orig. proceeding); *In re Prudential Ins. Co. of Am.*, 148 S.W.3d at 135–36; *Walker v. Packer*, 827 S.W.2d 833, 839–40 (Tex. 1992) (orig. proceeding). “The relator bears the burden of proving these two requirements.” *In re H.E.B. Grocery Co.*, 492 S.W.3d 300, 302 (Tex. 2016) (orig. proceeding) (per curiam); *Walker v. Packer*, 827 S.W.2d 833, 840 (Tex. 1992) (orig. proceeding). A trial court abuses its discretion when it acts with disregard for guiding rules or principles or when it acts in an arbitrary or unreasonable manner. *In re Garza*, 544 S.W.3d at 840. We determine the adequacy of an appellate remedy by balancing the benefits of mandamus review against the detriments. *In re Acad., Ltd.*, 625 S.W.3d 19, 25 (Tex. 2021) (orig. proceeding); *In re Essex Ins. Co.*, 450 S.W.3d 524, 528 (Tex. 2014) (orig. proceeding) (per curiam); *In re Prudential Ins. Co. of Am.*, 148 S.W.3d at 136.

this original proceeding. See *id.* Relator previously filed separate but similar original proceedings from this same trial court cause number. See *In re Pauliono*, No. 13-21-00370-CV, 2021 WL 5039733, at *1–2 (Tex. App.—Corpus Christi—Edinburg Oct. 29, 2021, orig. proceeding) (mem. op.); *In re Pauliono*, No. 13-21-00302-CV, 2021 WL 4467608, at *1–2 (Tex. App.—Corpus Christi—Edinburg Sept. 29, 2021, orig. proceeding) (mem. op.).

The Court, having examined and fully considered the petition for writ of mandamus and the foregoing standard of review, is of the opinion that the relator has not met her burden to obtain relief. Accordingly, we deny the petition for writ of mandamus.

JAIME TIJERINA
Justice

Delivered and filed on the
7th day of December, 2021.