

COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

§
§ No. 08-08-00156-CV
IN RE: JOHNNIE LEE CARTER, § AN ORIGINAL PROCEEDING
Relator. § IN MANDAMUS
§
§

MEMORANDUM OPINION ON PETITION FOR WRIT OF MANDAMUS

Relator, Johnnie Lee Carter, has filed a *pro se* petition for writ of mandamus seeking an order compelling the Honorable Linda Chew, Judge of the 327th District Court, to vacate her order granting nonsuit *nunc pro tunc*.

Mandamus will lie only to correct a clear abuse of discretion. *Walker v. Packer*, 827 S.W.2d 833, 839-40 (Tex. 1992) (orig. proceeding). In addition, there must be no other adequate remedy at law. *Id.* at 840. Based on the petition and record before us, Mr. Carter has failed to demonstrate he is entitled to mandamus relief. *See* TEX.R.APP.P. 52.8. Therefore, we deny the petition.

May 8, 2008

ANN CRAWFORD McCLURE, Justice

Before Chew, C.J., McClure, and Carr, JJ.
Chew, C.J., not participating