

COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

§

§

No. 08-09-00323-CV

IN RE: R. WAYNE JOHNSON,
Relator.

§

AN ORIGINAL PROCEEDING

§

IN MANDAMUS

§

§

MEMORANDUM OPINION ON PETITION FOR WRIT OF MANDAMUS

Relator, R. Wayne Johnson, seeks a writ of mandamus to compel the Hon. Bonnie Rangel, Judge of the 171st District Court, of El Paso County Texas, to recind her order dismissing the underlying case without prejudice.

Mandamus will issue only to correct a clear abuse of discretion. *See 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 available to the relator. *Id.* Based on the petition and record before us, Relator has failed to establish she is entitled to mandamus relief. *See* TEX.R.APP.P. 52.8. Therefore, the petition is denied.

January 13, 2010

DAVID WELLINGTON CHEW, Chief Justice

Before Chew, C.J., McClure, and Rivera, JJ.